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Governor General
of India in
council with
an index

Year: 1850

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Acts of the
Governor General
Place: India

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ACT No. I. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11*th January* 1850, *with the assent of the Most Noble the Governor General of India.*

For confirming the title to lands in Calcutta taken for public purposes.

WHEREAS the execution of works of public usefulness in Calcutta is liable to be hindered by the difficulty in making a good title to the land taken for such purpose, It is enacted as follows:

I. The powers and provisions of the first seven Sections of Regulation I. 1824 of the Bengal Code, shall be applicable to all lands within the Town of Calcutta, which shall have been declared by the Governor of Bengal to be needed for any public purpose: and such declaration shall be conclusive evidence that the purpose for which the lands are needed is a public purpose.

II. In all cases in which payment of any part of the purchase or compensation money is reserved according to the Fifth Clause of Section VI. of the said Regulation, on account of any lands taken for any public purpose under this Act, the Government Securities mentioned in the said

said Clause shall be deposited with the Government Agent at Fort William in Bengal, in the name and with the privity of the Accountant General of Her Majesty's Supreme Court of Judicature at Fort William, to be placed by him to the credit of the persons interested in such lands, describing them as nearly as may be done according to the course of proceeding in the said Court in matters and causes depending before it in Equity.

III. The said Securities shall remain in the hands of the Government Agent, and the interest accruing thereon shall be, from time to time, received and paid under the order of the said Supreme Court to the person or persons for the time being, who would have been entitled to receive the rents and profits of the said lands, if the same had not been taken as aforesaid, until there shall be some person or persons absolutely entitled to receive the principal sum of the monies so reserved, and thereupon the said Government Securities, with all interest then due thereon, shall be transferred and paid to such person or persons under the like order of the said Court, and so long as no person can be found entitled to receive the interest of the said Government Securities, the Government Agent shall continue to receive, and, from time to time, to invest the accumulation of interest due thereon in the purchase of other Government Securities, to be held and applied by him on the same trusts as the Securities first purchased.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. II. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11th January 1850, with the assent of the Most Noble the Governor General of India.

An Act to amend and extend to Madras and Bombay Act No. VII. 1849.

WHEREAS it is expedient to make new provisions for regulating the Administration of the Estates of British Subjects, dying intestate in the several Presidencies of Fort St. George and Bombay, It is enacted as follows:

I. Act No. VII. 1849 shall be extended, and apply to the several Presidencies of Fort St. George and Bombay, subject to the alterations, hereafter contained, as if, with reference to each of the said Presidencies such Presidency were named therein instead of Bengal and Fort William in Bengal; and the Governor of such Presidency in Council instead of the Governor General of India in Council, and the Chief Town of such Presidency, instead of Calcutta.

II. The Administrator General at Fort St. George and Bombay respectively, shall not cease to be Ecclesiastical Registrar of the Supreme Court

Court there by virtue of this Act; and the two Offices of Ecclesiastical Registrar and Administrator General may be held at Fort St. George or Bombay respectively, by the same person.

III. The altered rate of Commission, receivable by the Administrator General at Fort St. George and Bombay respectively, under Act VII. 1849 and this Act, shall not take effect until such alteration shall be directed by the Governor of Fort St. George and Bombay in Council respectively, until which several times the same rate of Commission, may be lawfully taken there by the Administrator General as might have been taken by the Ecclesiastical Registrar before the passing of this Act.

IV. It is and is declared to be a misdemeanour, punishable by fine and imprisonment, for any Administrator General, in any of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, to trade or traffic for his own benefit, or for the benefit of any other person or persons whomsoever, unless so far as appears to him expedient for the due management of the Estates administered by him, and for the sole benefit of the several persons entitled to the proceeds of such Estates respectively, but this exception is not to be construed to alter the Civil liabilities of the Administrator General as trustee for the Estates administered by him.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. III. OF 1850.

Passed by the Honorable the President of the Council of India in Council on the 11th January 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for amending the Law concerning the jurisdiction of the Courts of Sudder Ameens and District Moonsiffs, in the Presidency of Fort St. George.

IN modification of Section II. of Act XI. 1836, It is enacted as follows:

I. After the passing of this Act, no person whatever shall, by reason of place of birth, or by reason of descent, be in any Civil proceeding whatever exempt from the jurisdiction of the Courts of the Sudder Ameens and District Moonsiffs, in the Territories subject to the Presidency of Fort St. George.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the **15th** *February* **1850,** *with the assent of the Most Noble the Governor General of India.*

For the amendment of Procedure in Cases of Appeal to the Sudder Court.

WHEREAS inconvenience has resulted from the rule allowing petitions of Appeal to the Sudder Dewanny Adawlut from Judgments of Principal Sudder Ameens, or of the Judges of the Zillah or City Courts, to be presented either in the Sudder Court, or in the Court in which the decision was passed, and from the rule allowing the specific objections to the Judgment and detailed grounds and reasons for preferring the Appeal to be, at the option of the party, either stated in the original petition of Appeal, or afterwards filed in the Court trying the Appeal, as a separate pleading, It is enacted as follows, in modification of Section X., Regulation VI., 1793, Section III., Regulation XII., 1797, and Section VIII., Regulation XXVI., 1814, of the Bengal Code.

I. Every petition of Regular Appeal, in a case appealable to the Sudder Court, shall be presented to the Court in which the decision was passed, within six weeks from the day of the decision: such petition of Appeal shall contain only notice that the party, being dissatisfied with the Judgment, is desirous of appealing from it.

II. The

II. The proceedings held in the cause of Appeal shall be certified to the Sudder Dewanny Adawlut as soon as conveniently may be done; and notice thereof in writing shall be given to the Appellant.

III. Within three months after receipt of such notice the Appellant shall present to the Sudder Dewanny Adawlut the specific objections to the Judgment and detailed reasons for preferring the Appeal; otherwise it shall be dismissed, unless he shall show reasonable cause to the satisfaction of the Sudder Court for his default.

Calcutta, 1850:—Printed by J. C. Sherriff, Bengal Military Orphan Press.

BENGAL SECRETARIAT

ACT No. V. OF 1850.

Passed by the Governor General of India in Council on the 8th of March 1850.

An Act for freedom of the Coasting Trade of India.

WHEREAS by an Act of Parliament passed in the thirteenth year of the reign of Her Majesty, intituled An Act to amend the Laws in force for the encouragement of British Shipping and Navigation, it is enacted with regard to the Coasting Trade of India, that it shall be lawful for the Governor General of India in Council to make any regulations authorizing or permitting the conveyance of goods or passengers from one part of the possessions of the East India Company to another part thereof, in other than British Ships, subject to such restrictions or regulations as he may think necessary, It is enacted as follows:

I. Goods and Passengers may be conveyed from one part of the territories under the Government of the East India Company to another part thereof, in other than British Ships, without any restriction, other than is or shall be equally imposed on British Ships, for securing payment of duties of Customs or otherwise.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VI. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

For enabling the Commander-in-Chief to pardon Military Offences.

WHEREAS the power of pardoning persons under sentence of a Court Martial, for offences which are not punishable by any other authority, may be entrusted to the Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency, but in all other cases ought to belong only to the Supreme Government, It is enacted as follows:

I. The Commander-in-Chief of the Military Forces in the service of the East India Company in each Presidency shall have power to pardon any person belonging to the said Forces, convicted by sentence of a Court Martial of any offence against the Articles of War framed for the government of the Native Officers and Soldiers in the Military service of the East India Company, which, wherever committed, is not punishable otherwise than by sentence of a Court Martial; or, instead of granting a full pardon to any such person, may remit any part of the punishment awarded for such offence.

II. In

II. In such cases, the Commander-in-Chief shall issue a Warrant under his hand, setting forth the offence, and a copy of the Warrant or other instrument by which the offender is kept in custody in execution of the sentence, and pardoning or remitting such part of the punishment awarded for the offence as to him shall seem fit.

III. The said Warrant shall be countersigned by the Magistrate of the Zillah, or City in which the offender is undergoing his sentence; or, if he is confined in any prison belonging to one of the Supreme Courts of Judicature established by Royal Charter, shall be countersigned by a Judge of such Court, if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

IV. All Sheriffs, Gaolers, and other persons having custody, of any offender under sentence of a Court Martial, shall obey and give effect to any Warrant of the Commander-in-Chief, countersigned by a Magistrate, or Judge of the Supreme Court as aforesaid, for the pardon and release of any offender in their custody respectively, or for the remission of any part of his sentence.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VII. OF 1850.

Passed by the Governor General of India in Council on the 15th March 1850.

An Act for better defining the Law as to the removal of Prisoners.

WHEREAS, by the Regulations in force, prisoners may in certain cases be removed from one prison to another by special order of the Nizamut Adawlut or Fouzdaree Adawlut, and in other cases by the Governor or Governor in Council of the Presidency; and it is expedient that the Government should be empowered to direct such removal, in every case which appears necessary, without application to the Court for a special order, It is enacted as follows:

I. Act VIII. 1844, is repealed.

II. When any person is under sentence of imprisonment, within the territories under the Government of the East India Company, by any authority other than that of one of the Supreme Courts of Judicature established by Royal Charter, the Governor or Governor in Council, or other person administering the Government of the Presidency or place,

place, may order the removal of such prisoner from the prison, or place, in which he is confined, to any other public prison or place of confinement within the same Presidency or Government.

III. The time of removal from one prison to another, or while the prisoner is in custody under such warrant of removal, shall reckon as part of his imprisonment.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VIII. OF 1850.

Passed by the Governor General of India in Council on the 15th March 1850.

An Act to amend the law for enabling Zillah and City Judges and Principal Sudder Ameens, in certain cases of Appeal, to confirm the decision without summoning the Respondent.

WHEREAS, it will lessen the delay and expense of Appeals, if the powers possessed by Zillah and City Judges of confirming decisions on certain Appeals without serving any notice on the Respondents, are extended to Principal Sudder Ameens, It is enacted as follows :

I. The powers given to Zillah and City Judges, by Clause Third, Section XVI. of Regulation V. 1831 of the Bengal Code, are extended to Principal Sudder Ameens, in all Appeals referred to them.

II. Every Judge and Principal Sudder Ameen who shall confirm any decision under the said Regulation, or this Act, without giving notice to the Respondent, shall record his reasons for rejecting the Appeal.

Calcutta —Printed at the Bengal Military Orphan Press, by J. C. Sherriff

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ACT No. IX. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.

WHEREAS it is expedient to amend the constitution and practice, and to extend the jurisdiction, of the several Courts established at Calcutta, Madras and Bombay, for the Recovery of Small Debts, It is enacted as follows:

I. The several Courts of Commissioners and of Requests, for the Recovery of Small Debts, now holden in the Towns of Calcutta, Madras and Bombay, under the authority of the Charter of Justice of King George the Second, and of two Acts of Parliament, severally passed in the thirty-seventh year and fortieth year of the reign of King George the Third, and of the Regulations and Proclamations made, from time to time, for constituting and for new-modelling, altering and reforming the constitution and practice of the said Courts respectively, and of Act XII. 1848, shall be holden according to the provisions of this Act, from and after such several days as shall be declared within the said Towns by

 proclamation,

proclamation, to be made and published in due form of law in each of the said Towns by the Governor in Council.

II. Where in this Act the words "Governor in Council," or "Supreme Court," are used, they shall be taken to apply severally to the person or persons administering the executive Government, and to the Supreme Court, established under Royal Charter of each of the Presidencies of Fort William in Bengal, Fort St. George and Bombay, with reference only to the Court holden under this Act, in the same Presidency.

III. From and after the day declared in any such proclamation, all provisions of the said Charter of Justice, and Acts of Parliament, and of any Regulation, Act or Proclamation heretofore made concerning the constitution or practice of the Court, referred to in such proclamation, shall be rescinded and repealed.

IV. The style of the several Courts holden under this Act shall be the ( ) Court of Small Causes, inserting in the blank space, Calcutta, Madras or Bombay, as the case requires.

V. The jurisdiction of the several Courts, holden under this Act, shall extend over the whole district now within the jurisdiction thereof respectively, and over such further district as may, from time to time, be declared by proclamation of the Governor in Council: provided, that no proclamation for extending the district of any of the said Courts be made without the previous sanction of the Governor General of India in Council.

VI. Every Court holden under this Act shall be a Court of Record, and shall be deemed a Court of Requests within the meaning of Act VII. 1841, Section VI.

VII. All proceedings commenced in any of the said Courts, before the time when the constitution and practice of such Court shall be altered under this Act, may be continued, executed and enforced against all persons liable thereunto, in the same manner as if they had been commenced according to this Act: and each of the said Courts shall be empowered in any case of doubt as to the proper manner of continuing, executing or enforcing any such proceedings, to make such orders thereon as shall appear to the Court to be necessary for giving full effect to this enactment.

VIII. The Governor in Council shall appoint as many persons as are necessary not exceeding three to be Judges of the Court, one of whom shall be a Barrister at Law, or Advocate of one of the Supreme Courts of India, or of the Court of Session in Scotland.

IX. No Judge appointed under this Act shall, during his continuance as such Judge, practise as an Advocate, Attorney or Vakeel in any of the Queen's Courts, or in any Court of the East India Company, or trade or traffic for his own benefit, or for the benefit of any other person, or be the partner of any person so practising, trading or trafficking.

X. The Governor General of India in Council may remove any such Judge on the application of the Governor in Council.

XI. Any Judge or Judges of the Supreme Court of Judicature, who shall consent to aid in the execution of this Act, may exercise all the powers of a Judge appointed under this Act, and suits may be tried by him sitting in the Supreme Court under this Act, in like manner as if he were a Judge of the Court of Small Causes, and no appointment of a Judge under this Act shall be made, while it appears to the Governor in Council

Council that the whole business of the Court can be transacted by the Judges of the Supreme Court so consenting to act.

XII. The duties herein directed to be performed by the Clerk and Bailiffs respectively of the Court of Small Causes, shall be performed in such cases as are tried by a Judge of the Supreme Court, by such Ministerial Officers of the Supreme Court as shall be, from time to time, appointed by the said Judge of the Supreme Court for that purpose, and the persons so appointed shall have all the powers and protections by this Act given to the Clerk and Bailiffs of the Court of Small Causes respectively, and shall receive such remuneration for their services out of the fees received in the causes tried by a Judge of the Supreme Court as he shall deem reasonable, and the residue shall form part of the general fund of the Court of Small Causes.

XIII. There shall be a Clerk for every Court holden under this Act, whom the Judges of the Court shall appoint, subject to the approval of the Governor in Council, and may remove, subject to the like approval: if necessary, additional Clerks may be appointed with the sanction of the Governor in Council.

XIV. The Clerk of each Court shall issue all summonses, warrants, precepts and writs of execution, and keep an account of all proceedings of the Court, and shall take charge of, and keep, an account of all Court fees, and fines payable or paid into Court, and of all monies paid into, and out of Court, and shall enter an account of all such fees, fines and monies in a book belonging to the Court, to be kept by him for that purpose, and shall monthly, or at such other times as shall be directed by the Governor in Council, submit his accounts to be audited or settled in such manner as the Governor in Council, from time to time, shall direct.

XV. The

XV. The Judges of every such Court shall, from time to time, appoint a sufficient number of persons to be Bailiffs of the Court, not exceeding the number, from time to time, allowed by the Governor in Council, and may at their pleasure suspend or dismiss any Bailiff so appointed.

XVI. The Bailiffs shall attend every sitting of the Court, for such time as shall be required by the Judges, and shall serve all the summonses and orders, and execute all the warrants, precepts and writs, issued out of the Court; and shall, in the execution of their duties, conform to all such general rules as shall be, from time to time, made for regulating the proceedings of the Court.

XVII. Every Clerk, or other Officer of any such Court, who shall, by himself or by any partner, or in any way, directly or indirectly, be concerned or act as Attorney, or Vakeel, or be concerned in any trade or profession on his own account, or for any other person, shall forfeit and pay the sum of Five Hundred Rupees to any person who shall sue for the same in the Supreme Court by action of debt or on the case.

XVIII. The Clerk and Bailiffs shall give security for such sum, and in such manner and form, as the Governor in Council, from time to time, shall order, for the due performance of their several offices, and for the due accounting for and payment of all monies received by them under this Act, or which they may become liable to pay for any misbehaviour in their office.

XIX. There shall be payable in the Courts holden under this Act the fees set forth in the annexed Schedule beside the sum of Two Annas in the Rupee on the amount of the sum claimed, which fees shall be paid over to an account to be termed the General Fund of the Court.

XX. The ratable fee or commission shall be paid by the plaintiff before the summons issues; the other fees on every proceeding shall be paid in the first instance by the plaintiff or party on whose behalf such proceeding is to be had, on or before such proceeding: if the plaintiff recovers a less sum than he has demanded, the defendant shall not, in any case, be required to repay to him more than the fees and commission calculated upon the sum recovered. If the case is settled by agreement of the parties, before hearing, half the amount of the fees paid up to that time shall be returned to the parties by whom they have been severally paid. The Judges of the said Court may at their discretion grant summons to poor plaintiffs without deposit, or with a partial deposit of fees and commission, and also may remit costs wholly or partially to poor suitors.

XXI. The Governor in Council may, at any time, lessen the amount of the fees to be taken in the Courts holden under this Act in such manner as to him shall seem fit, and may again increase such fees, so that the scale of fees given in this Act be not in any case surpassed.

XXII. The Governor in Council shall, from time to time, make such rules as to him shall seem meet for securing the balances, and other sums of money in the hands of any Officers of every Court holden under this Act, and for the due accounting for and application of all such balances and other sums of money.

XXIII. The Courts shall sit daily, except on Sundays, Christmas-day and Good Friday, and on Native or other Holidays, which the Governor in Council shall direct the Court to observe; and each of the Judges may sit apart from the others or with either of them, at the same time or at different times; and any one or two of the said Judges so sitting apart shall have all the judicial authority, which is herein given to all the Judges.

XXIV. A Seal

XXIV. A Seal shall be made for every Court holden under this Act, under the direction of the Governor in Council, and all summonses and other process issuing out of the Court shall be sealed or stamped with the Seal of the Court; and every person, who shall forge the seal or any process of the Court, or who shall serve or enforce any such forged process, knowing the same to be forged, or deliver or cause to be delivered to any person any paper falsely purporting to be a copy of any summons, or other process of the said Court, knowing the same to be false, or who shall act or profess to act under any false colour or pretence of the process of the said Court, shall be guilty of felony.

XXV. All suits, where the debt or damage claimed or value of the property in dispute is not more than Five Hundred Rupees, whether on balance of account or otherwise, may be brought in the Court of Small Causes; and all such suits brought in the said Court shall be heard and determined in a summary way, and every defence which would be deemed good in the Supreme Court sitting as a Court of Equity shall be a good bar to any legal demand in the Court of Small Causes. Provided always, that the Court shall not have jurisdiction in any matter concerning the revenue, or concerning any Act ordered or done by the Governor, or Governor General, or any Member of the Council of India, or of any Presidency, in his public capacity, or done by any person by order of the Governor General or Governor in Council, or concerning any act ordered or done by any Judge or Judicial Officer in the execution of his office, or by any person in pursuance of any judgment or order of any Court, or any such Judge or Judicial Officer, or in any suit for libel or slander.

XXVI. On the application of any person desirous to bring a suit under this Act, the Clerk of the Court shall issue, under the seal of the Court a summons which shall be numbered, and shall set forth the names

of

of the plaintiff and defendant, the cause of action with such particulars as shall be, from time to time, directed by the Rules of the Court, and the amount sued for, and shall be served on the defendant, so many days before the day on which the Court shall be holden at which the cause is to be tried as shall be directed by the rules for regulating the practice of the Court; and delivery of such summons to the defendant, or in such other manner as shall be specified in the rules of practice, shall be deemed good service; and no misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

XXVII. No misstatement of the cause of action in the summons issued under this Act shall vitiate the same, and the Judges of the Court may, in their discretion, rectify such misstatement as soon as discovered, and alter the record accordingly; and if the defendant, or one of the defendants be present in Court at the time of such discovery, the hearing of the cause after the record shall have been so altered, shall be proceeded with as if no such misstatement had happened, but in the absence of the defendant or of all the defendants a new summons of the same number and date as the original summons shall be issued with the altered statement of the cause of action.

XXVIII. All persons shall be deemed within the jurisdiction of the Court, who dwell or carry on their business or work for gain within the district of the Court at the time of bringing the action, or who did so dwell or carry on their business or work therein at the time when the cause of action arose, or within six months before the time of bringing the action for causes of action which arose within the same time.

XXIX. Any summons or other process of any of the said Courts, service of which is needed out of the district of the Court, may be exhibited

bited in any Court of Law, or before any Magistrate, and shall be thereupon endorsed by the Magistrate or Judge of such Court; and, when so endorsed, may be served in like manner as any order or process from such Court or Magistrate; and such service shall be as valid as if the same had been made by the Bailiff of the Court out of which such summons or other process shall have issued within the jurisdiction of the Court for which he acts.

XXX. Service of any summons or other process of the Court, which shall require to be served out of the district of the Court, may be proved by affidavit, or solemn affirmation, purporting to be sworn or made before any Judge or Magistrate; and, in every case of the unavoidable absence of the Bailiff by whom any summons or other process of the Court has been served, the service of such summons or other process may be proved, if the Judges think fit, in the same manner as a summons served out of the district of the Court.

XXXI. Any minor may prosecute a suit in any Court holden under this Act for any sum of money not greater than Five Hundred Rupees, which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age.

XXXII. The jurisdiction of the Court shall extend to the recovery of any demand, not exceeding the sum of Five Hundred Rupees, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

XXXIII. Any Executor or Administrator may sue and be sued in any Court holden under this Act, in like manner as if he were a party in his own right; and judgment and execution shall be such as in the like

case would be given or issued in the Supreme Court in the like case: but no Executor or Administrator shall be summoned in that capacity within six months after the death of the person, whose Executor or Administrator he is.

XXXIV. A plaintiff shall not be allowed to divide any cause of action, for the sake of bringing two or more suits in any of the said Courts; but any plaintiff, having cause of action for more than Five Hundred Rupees, may abandon the excess, which shall be entered in the record, and stated in the summons, and thereupon the plaintiff shall, on proving his case, recover to an amount not exceeding Five Hundred Rupees; and the judgment of the Court shall be in full discharge of all demands in respect of such cause of action; and entry of the judgment shall be made accordingly.

XXXV. The Governor General and Members of the Supreme Council of India, the Governors and Members of Council of the Presidencies of Fort William in Bengal, Fort St. George and Bombay respectively, and the Chief Justices and Judges of the Several Supreme Courts established therein by Royal Charter, shall not be liable to arrest or imprisonment by process issuing out of any Court holden under this Act, and no writ or process shall be sued out of the said Court against any of the persons privileged by Act I. 1844, or Act XVIII. 1848, without the consent of the Governor in Council.

XXXVI. Where any plaintiff shall have any demand recoverable under this Act, whether founded on contract or wrong, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against the person or persons so served, notwithstanding that others, jointly liable, may not have been served or sued, or may not be within

within the jurisdiction of the Court; and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover in the Court, holden under this Act, contribution from any other person jointly liable with him; and in all cases of misjoinder of defendants, the Judges may order the suit to proceed against such of the defendants only against whom cause of action appears, and may give judgment against them only; giving also judgment for costs for the defendants improperly joined.

XXXVII. The Judges of the Court shall be empowered to determine all questions as well of fact as of law or equity, as administered in the Supreme Court, in all cases which they have authority to try.

XXXVIII. On the day in that behalf named in the summons, the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer; and on answer being made in Court, the Judges shall proceed in a summary way to try the cause, and give judgment, without further pleading or formal joinder of issue.

XXXIX. A defendant, having any cause of action against the plaintiff, whether or not the same exceeds Five Hundred Rupees, shall be entitled to set the same against the plaintiff's demand, and if judgment is given in such case for the plaintiff, shall be entitled to sue the plaintiff for the balance only of his original demand, after deducting the amount of debt or damages and costs recovered against him under this Act.

XL. The Judges may, in any case, with the consent of both parties to the suit, order the same, with or without other matters within the jurisdiction of the Court in dispute between such parties, to be referred to arbitration, to such person or persons, and in such manner, and on such

such terms as they shall think reasonable and just; and such reference shall not be revocable by either party, except by consent of the Judges; and the award of the arbitrator or arbitrators or umpire shall be entered as the judgment in the cause, and shall be as binding and effectual to all intents, as if given by the Judges; provided, that the Judges may, if they think fit, on application to them at the first Court held after the expiration of one week, after the entry of such award, set aside any such award, or may, with the consent of both parties, revoke the reference, or order another reference to be made in the manner aforesaid.

XLI. The Judges of each Court, holden under this Act, subject to the approval of the Judges of the Supreme Court, shall have power to make and issue all the general rules for regulating the practice and proceedings of the Court, and also to frame forms for every proceeding in the Court for which they shall think it necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the Clerk of the Court, and, from time to time, to alter any such rule or form; and the rules so made and the forms so framed, shall be observed and used in the Court of that Presidency, and shall be sent to the Supreme Court for approval, but shall be of force until disapproved; and in any case, not expressly provided for herein, or by the said rules, the general principles of practice in the Supreme Court may be adopted and applied, at the discretion of the Judges, to actions and proceedings in their Court.

XLII. If, upon the day of the return of any summons, or at any continuation or adjournment of the said Court, or of the cause for which the said summons shall have been issued, the plaintiff shall not appear, the cause shall be struck out; and if he shall appear, but shall not make proof of his demand to the satisfaction of the Court, the Judges may nonsuit the plaintiff or give judgment for the defendant; and, in either case, where the defendant shall appear and shall not admit the demand,

may

may award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as they, in their discretion, shall think fit; and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Court can be recovered: provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorized on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the Court, if it shall think fit, may proceed to give judgment, as if the plaintiff had appeared.

XLIII. If on the day so named in the summons, or at any continuation or adjournment of the Court, or cause in which the summons was issued, the defendant shall not appear or sufficiently excuse his absence, or shall neglect to answer when called in Court, the Judges, upon due proof of service of the summons, may issue a writ of attachment to compel the appearance of the defendant; or, in their discretion, may proceed to the hearing or trial of the cause on the part of the plaintiff only; and the judgment thereupon shall be as valid as if both parties had attended; provided always, that the Judges in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon; and may grant new trial of the cause, upon such terms, as to payment of costs, giving security for debt or costs, or otherwise, as they think fit, on sufficient cause shown to them for that purpose.

XLIV. The Judges may, in any case, make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn any Court or the hearing or further hearing of any cause, in such manner as to them may seem fit.

XLV. The defendant in any action brought under this Act, for the recovery of money, whether for debt or damages, within such time as shall be directed by the rules for regulating the practice of the Court, may pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, with the costs incurred by the plaintiff up to the time of such payment; and the said sum of money shall be paid to the plaintiff; but, if he shall elect to proceed, and, if the plaintiff shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and such costs shall be settled by the Court, and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff.

XLVI. On the hearing or trial of any action or any other proceeding under this Act the parties thereto, their wives, and all other persons, may be examined, on behalf of either the plaintiff or defendant, subject nevertheless to the Acts and Regulations in force, with respect to the examination of women of a rank and situation in life, which, according to the customs of the country, would render it improper to compel them to appear in a Court of Justice.

XLVII. Every person shall be examined on oath, or when exempt by law from taking an oath in any Court of Justice, on solemn affirmation, and every person, who, in any examination upon oath or solemn affirmation under this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

XLVIII. Either of the parties to the suit or any other proceeding under this Act may obtain, at the office of the Clerk of the Court, summonses to witnesses, with or without a clause requiring the production

production of books, deeds, papers and writings in their possession or control, and in any such summons any number of names may be inserted.

XLIX. Every person, on whom any such summons shall have been served, either personally or in such other manner as shall be directed by the general rules or practice of the Court, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers or writings required by such summons to be produced, and also every person present in Court, who shall be required to give evidence, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding One Hundred Rupees, as the Judges shall set on him; and the whole or any part of such fine, in the discretion of the Judges, after deducting the costs, may be applied towards indemnifying the party injured by such refusal or neglect.

L. The Judges of any Court established under this Act, in all suits where the debt or demand exceeds the sum of Thirty Rupees, upon proof before them, that any defendant against whom a summons has been taken out, conceals himself from, or otherwise evades process of the Court, or is disposing of his property and effects with intent to defraud the plaintiff, or his creditors generally, or is about to withdraw his person or effects from the jurisdiction of the Court, may issue a warrant for the apprehension of such person, and may commit him to gaol until he shall find security for his appearance in the said Court from time to time, until judgment shall be pronounced in the suit commenced by such summons, and for payment of the amount and the costs which may be decreed against him therein.

LI. Payment of any fine imposed by any Court under the authority of this Act may be enforced upon the order of the Judges, in like manner

manner as payment of any debt adjudged in the said Court, and shall be accounted for as herein provided.

LII. All the costs of any action or proceeding in the Court, not herein otherwise provided for, shall be paid by or apportioned between the parties, in such manner as the Judges shall think fit; and, in default of any special direction, shall abide the event of the action; and execution may issue for the recovery of any such costs, in like manner as for any debt adjudged in the said Court.

LIII. Every order and judgment of any Court holden under this Act, except as herein provided, shall be final and conclusive between the parties; but the Judges shall have power to nonsuit the plaintiff, in every case in which satisfactory proof shall not be given to them, entitling either the plaintiff or defendant to the judgment of the Court; and shall also in every case whatever have the power, if they shall think fit, to order a new trial to be had, upon such terms as they shall think reasonable, and in the meantime to stay the proceedings.

LIV. No cause commenced in any Court, holden under this Act, shall be removed from the said Court into the Supreme Court by any writ or process, unless the debt or damage or value of the property claimed exceeds One Hundred Rupees, and then only by leave of a Judge of the said Supreme Court on proof to his satisfaction that some question of law or equity is likely to arise therein, which, by reason either of its difficulty, novelty or general importance, or of some erroneous course of decision on the same point in the Court of Small Causes may appear to him fit to be tried in the Supreme Court, and upon such terms as to payment of costs, giving security for debt or costs, or otherwise, as he shall think fit.

LV. The

LV. The Judges of the Court of Small Causes may, in their discretion, reserve any question of law or equity on which they entertain doubts, or which they shall be requested by either party to the suit to reserve, for the opinion of the Judges of the Supreme Court, and shall give judgment contingent upon the opinion of the said Supreme Court on a case which they shall thereupon be entitled to state to the said Court. If only two Judges sit together, and shall differ in opinion, the question, on which they differ shall be so referred.

LVI. The Judges may make orders concerning the time or times, and by what instalments, any debt or damages or costs, for which judgment shall be obtained in the said Court, shall be paid; and all such monies shall be paid into Court, unless the Judges shall otherwise order.

LVII. If there be cross judgments between the parties, execution shall be taken out by that party only, who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum; and satisfaction for the remainder shall be entered, as well as satisfaction on the judgment for the smaller sum; and, if both sums shall be equal, satisfaction shall be entered upon both judgments.

LVIII. Whenever the Court shall have made an order for the payment of money, the amount shall be recoverable, in case of default or failure of payment thereof forthwith, or at the time or times and in the manner directed, by execution against the body or the goods and chattels of the person against whom such order is made without further notice or order; and the Clerk of the said Court, at the request of the person prosecuting such order, shall issue under the seal of the Court a writ of execution to one of the Bailiffs of the Court, which shall be his warrant to take the body of such person in execution, or to levy, or cause to be

levied, by distress and sale of the goods and chattels of such person such sum of money as shall be so ordered, wheresoever they may be found within the district of the Court, and also the costs of the execution; and all Constables and other Peace Officers within their several jurisdictions shall aid in the execution of every such writ.

LIX. If the Court shall have made any order for payment of any sum of money by instalments, execution upon such order shall not issue until after default in payment of some instalment according to such order; and execution or successive executions may then issue without further notice or order for the whole of the said sum of money and costs then remaining unpaid, or for such portion thereof as the Court shall order, either at the time of making the original order, or at any subsequent time under the seal of the Court.

LX. Whenever any warrant shall issue for taking in execution the body of any person under this Act, the Bailiffs of the Court shall be empowered, by virtue thereof, to take and convey him to any prison, appointed by the Governor in Council to be the prison of the Court, there to remain for such term as shall be directed by the warrant, not longer than six calendar months, or until he shall sooner perform the order of the Court.

LXI. No person shall be imprisoned twice under the same judgment, nor shall execution against the body and goods issue at the same time under the same judgment.

LXII. Every person suing out a warrant of execution against the body of any other person under this Act shall deposit with the Clerk of the Court, at the time of the issue of the warrant, diet money for one week, after the rate of one anna and a half for each day, which shall be

paid

paid by the Clerk to the Keeper of the Prison at the time of the execution of the warrant.

LXIII. Notice of the execution of every such warrant shall be forthwith given to the person at whose suit it issued, who shall thereupon deposit with the Keeper of the Prison, diet money for the remainder of the month in which the warrant is executed, after the same daily rate, and shall continue thereafter to deposit monthly with the said Keeper, in advance, diet money at the same daily rate, for each month which the debtor is liable to be kept in prison at his suit.

LXIV. The diet money shall be employed for the subsistence of the prisoner; and if, by default of the detaining creditor, such diet money is not paid, the prisoner shall be entitled to his discharge by order of the Court.

LXV. All diet money, which shall be spent in providing subsistence for any prisoner, shall be costs in the cause, and all diet money, which shall not be so spent, shall be repaid to the creditor advancing the same.

LXVI. Whenever any prisoner shall offer good and reasonable security for payment of any debt or damage and costs, either in full or by instalments as the Court shall think reasonable, the Court may order him to be discharged on giving such security.

LXVII. Upon payment of the debt or damage and costs in full, the prisoner shall be entitled to be forthwith discharged.

LXVIII. If the debt or damage and costs are not paid, the imprisonment shall not extinguish the liability to pay the same; but all property

property then belonging to or afterwards acquired by the prisoner shall be liable to be taken in execution after his discharge from prison for satisfaction thereof, or of so much thereof as is not paid, including the diet money actually expended for subsistence of the prisoner.

LXIX. Every Bailiff executing any process of execution issuing out of the said Court against the goods of any person, may, by virtue thereof, seize and take any of the goods of such person, (excepting the necessary wearing apparel and bedding of such person or his family, and the tools and implements of his trade,) and may also seize and take any money or Bank-notes, and any cheques, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to any such person against whom any execution shall have issued as aforesaid.

LXX. The Bailiff shall forthwith deliver any cheques, bills of exchange, promissory notes, bonds, specialties or other securities for money, which shall have been so seized or taken as aforesaid, to the Clerk or other person appointed by the Judges to receive the same, who shall hold them as a security or securities for the amount directed to be levied by such execution, or so much thereof as shall not have been otherwise levied or raised for the benefit of the plaintiff; and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum or sums secured, or made payable thereby, when the time of payment thereof shall have arrived.

LXXI. If it shall, at any time, appear to the satisfaction of the Court that any defendant is unable, from sickness or other sufficient cause, to pay and discharge the debt or damages recovered against him, or any instalment thereof ordered to be paid as aforesaid, the Judges, in their discretion, may suspend or stay any judgment, order or execution given,

given, made or issued in such action, for such time and on such terms as they shall think fit, and so, from time to time, until it shall appear by the like proof as aforesaid that such temporary cause of disability has ceased.

LXXII. No sale of any goods, which shall be taken in execution as aforesaid shall be made, until after the end of five days at least next following the day on which such goods have been so taken, unless such goods be of a perishable nature, or upon the request, in writing, of the party whose goods have been taken.

LXXIII. Until such sale, the goods shall be deposited by the Bailiff by whom they were taken in some fit place, or they may remain in the custody of a fit person approved by the Judges to be put in possession by the Bailiff.

LXXIV. The Judges, from time to time, as they shall think proper, may appoint such and so many persons for keeping possession, and so many of their Bailiffs or other fit persons to be sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects taken in execution under this Act, as shall appear to them to be necessary, and may direct security to be taken from each of them, for such sum and in such manner as they shall think fit, for the faithful performance of their duties, without injury or oppression; and the Judges may dismiss any person, broker or appraiser so appointed.

LXXV. No goods taken in execution under this Act shall be sold for the purpose of satisfying the warrant of execution; except by one of the brokers or appraisers so appointed.

LXXVI. The costs to be demanded or taken for such appraisement and sale, shall be One Anna in the Rupee on the produce of the goods

sold; and the Judges may apply the sum so raised as costs towards payment of the contingent charges and remuneration of the said brokers and appraisers, in such manner as shall be approved by the Governor in Council.

LXXVII. The Clerk of the Court shall keep an account of all sums received upon such sales, distinguishing the amount paid to the party entitled to the benefit of the execution, and the amount levied and retained as costs, and also of all sums allowed to the brokers and appraisers upon such sales.

LXXVIII. Whenever any defendant against whom judgment shall have been given in the Court of Small Causes, shall go before execution thereof out of the jurisdiction of the Court, the Judge of any Zillah or Town where he shall be found, upon receiving from the plaintiff, either in person or by vakeel, an application in writing setting forth these facts, with a duly authenticated copy of the judgment of the Court, shall execute the said judgment in the manner prescribed by law for execution of his own decrees; unless the defendant shall allege any reasonable cause, why the judgment should not be executed, and shall give security to such amount as the Judge of such Zillah or Town shall deem reasonable, that he will, within such time as shall be allowed him for that purpose, either satisfy the judgment or produce a duly authenticated copy of an order of the Judges of the Court of Small Causes, discharging their former judgment.

LXXIX. No judgment or execution shall be stayed, delayed or reversed upon or by any writ of error or *supersedeas* thereon, to be sued for the reversing of any judgment given in any Court holden under the provisions of this Act, unless the amount recovered exceeds One Hundred Rupees, and then only after the person suing out such writ shall

shall become bound with two sufficient sureties to be approved by the Clerk of the Court, in treble the sum adjudged to be recovered in the former judgment, to prosecute the said writ with effect, and also to satisfy and pay (if the writ be not prosecuted, or if the judgment be affirmed), the debt or damages and costs adjudged, and all costs and damages to be awarded for the delay of execution.

LXXX. Upon every warrant of execution issued against the goods and chattels of any person, the Clerk of the Court shall cause to be stated the sum of money and costs adjudged with the sum paid for such warrant; and if the party against whom such execution shall be issued shall, before an actual sale of the goods and chattels, pay or cause to be paid or tendered unto the Clerk of the Court, or to the Bailiff holding the warrant of execution such sum of money and costs, as aforesaid, or such part thereof as the person entitled thereto shall agree to accept in full of his debt or damages and costs, together with the fees herein directed to be paid, the execution shall be superseded, and the goods and chattels of the said party shall be discharged and set at liberty.

LXXXI. The Clerk of every Court holden under this Act shall cause a record of all summonses, and of all orders, and of all judgments and executions, and returns thereto, and of all fines, and of all other proceedings of the Court, to be fairly entered, from time to time, in a book or books belonging the Court, which shall be kept at the Office of the Court; and shall be duly authenticated by one or more of the Judges; and such entries in the said book or books or a copy thereof bearing the seal of the Court, and purporting to be signed and certified as a true copy by the Clerk of the Court, shall be admitted in all Courts and places as evidence of such entries, and of the proceeding referred to by such entry or entries, and of the regularity of such proceeding, without any further proof.

LXXXII. The

LXXXII. The Clerk of every such Court shall, in the month of *March*, in each year, make out a correct list of all sums of money belonging to suitors in the Court, which shall have been paid into Court, and which shall have remained unclaimed for five years before the first day of the month of *January* then last past, specifying the names of the parties for whom or on whose account the same were so paid into Court; and a copy of such list shall be put up and remain during Court hours in some conspicuous part of the Court House, and at all times in the Clerk's Office; and all sums of money which shall have been paid into any such Court, to the use of any suitor or suitors thereof, and which shall have remained unclaimed for the period of six years before the passing of this Act, and which are now in the hands of any Commissioner or Officer of such Court, or otherwise held in trust for such suitors, and all further sums of money, which shall hereafter be paid into such Court to the use of any suitor or suitors thereof shall, if unclaimed for the period of six years after the same shall have been so paid into Court, be applicable as part of the fees receivable on account of the Court, and shall be carried to the same account; and no person shall be entitled to claim any sum which shall have remained unclaimed for six years; but no time during which the person entitled to claim such sum shall have been an infant or married woman or of unsound mind, or out of the Territories under the Government of the East India Company, shall be taken into account in estimating the said period of six years.

LXXXIII. If any person shall wilfully insult any Judge, Clerk or Officer of the said Court, for the time being, during his sitting or attendance in Court, or shall wilfuly interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any Bailiff or Officer of the Court, with or without the assistance of any other person, by the order of the Judges to take such offender into custody, and detain him until the rising of the Court; and the Judges shall be empowered, if they

they shall think fit, by a warrant under their hands, and sealed with the seal of the Court, to commit any such offender to any prison to which they have power to commit offenders under this Act, for any time, not exceeding seven days, or to impose upon any such offender a fine, not exceeding Fifty Rupees for every such offence, and in default of payment thereof to commit the offender to any such prison as aforesaid, for any time not exceeding seven days, unless the said fine be sooner paid, or instead of inflicting summary punishment under this Act may cause the offender to be indicted in the Supreme Court, if the offence be an indictable misdemeanour.

LXXXIV. If any Officer or Bailiff of any Court holden under this Act shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any person arrested, or goods levied under process of the Court, the person so offending shall be liable to a fine, not exceeding One Hundred Rupees, to be recovered by order of the Court, or before a Magistrate as hereinafter provided; and the Bailiff of the Court, or any Peace Officer in any such case, may take the offender into custody, (with or without warrant,) and bring him before such Court, or Magistrate accordingly.

LXXXV. If any Bailiff of the said Court, who shall be employed to execute any warrant of the Court, shall, by neglect, or connivance, or omission, lose an opportunity of executing such warrant, then, upon complaint of the party aggrieved by reason of such neglect, connivance or omission, (and the fact alleged being proved to the satisfaction of the Court,) the Judges shall order the Bailiff to pay such damages as it shall appear that the plaintiff has sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the Bailiff shall be liable thereto; and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforc-

ing a judgment recovered in the said Court, without prejudice nevertheless to the execution of the original warrant.

LXXXVI. If any Clerk, Bailiff or Officer of the Court, acting under colour or pretence of the process of the said Court, shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act, the Judges may inquire into such matter in a summary way, and for that purpose may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and may make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs, as they shall think just; and also, if they shall think fit, may impose such fine upon the Clerk, Bailiff or Officer, not exceeding One Hundred Rupees for each offence, as they shall deem adequate; and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are herein provided for enforcing a judgment recovered in the said Court.

LXXXVII. Every Clerk, Bailiff or other Officer employed in putting this Act or any of the powers thereof in execution, who shall wilfully and corruptly exact, take or accept any fee or reward whatsoever, other than his lawful salary, for any thing done or to be done by virtue of this Act, or on any account whatsoever, relative to putting this Act into execution, shall, upon proof thereof before the said Court, and in the case of a Clerk, on confirmation of the finding of the Court by the Governor in Council, be for ever incapable of serving, or being employed under this Act in any office of profit or emolument, and shall also be liable for damages as herein provided.

LXXXVIII. If any claim shall be made to, or in respect of, any goods or chattels taken in execution under the process of any Court holden under this Act, or in respect of the proceeds or value thereof, by any person not being the party against whom such process has issued, the Clerk of the Court, upon application of the Officer charged with the execution of such process, as well before as after any action brought against such Officer, may issue a summons calling before the said Court, as well the party issuing such process as the party making such claim, and thereupon any action, which shall have been brought in the Supreme Court in respect of such claim, shall be stayed, and any Judge of the Supreme Court on proof of the issue of such summons, and that the goods and chattels were so taken in execution, may order the party bringing such action to pay the costs of all proceedings had upon such action after the issue of such summons out of the Court of Small Causes, and the Judges of the Court of Small Causes shall adjudicate upon such claim and make such order between the parties in respect thereof, and of the costs of the proceedings as to them shall seem fit, and such order shall be enforced in like manner as any order made in any suit brought in such Court.

LXXXIX. The powers of Act VII. 1847 to regulate distresses for small rents in Calcutta, shall be extended to the recovery of all arrears of rent not exceeding Five Hundred Rupees, and the Judges of every Court of Small Causes under this Act shall be empowered to exercise within their several jurisdictions the extended powers of the said Act; and the said Act shall be construed as if, instead of Calcutta and the Settlement of Fort William in Bengal, the limits of the jurisdiction of the Court had been therein mentioned, and the Judges of the Court of Small Causes under this Act instead of the Commissioners of the Court therein mentioned, and the amount of Five Hundred Rupees instead of One Hundred Rupees, and the forms contained in the Schedule annexed

ed to the said Act shall be altered accordingly, and shall refer to this Act instead of Act VII. 1847.

XC. The affidavit of arrear required by the said Act No. VII. 1847 may, in every case, be made either by the person entitled to such arrear or by his or her lawfully constituted attorney, and a warrant of distress may issue on such affidavit.

XCI. Where any person shall hold or occupy any house, land or tenement, of which the value or the rent payable in respect thereof, does not exceed the rate of Five Hundred Rupees by the year, without leave of the owner, or under a lease or agreement which is ended, or duly determined by a legal notice to quit, and such tenant, or, if such tenant do not actually occupy the premises, or occupy only a part thereof, any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the premises, or of such part thereof respectively, the owner or his agent may take out a summons from the Court directed to such tenant or occupier, to show by what title he claims to hold or occupy the premises or part thereof.

XCII. If the tenant or occupier shall not thereupon appear at the time and place appointed, and show cause to the contrary, and shall still neglect or refuse to deliver up possession of the premises, or of such part thereof, of which he is then in possession, to the said owner or his agent, such owner or agent may give to the Court proof of the holding, and of the end or other determination of the tenancy, if any had existed, with the time or manner thereof, and of the right by which he claims the possession.

XCIII. Upon proof of due service of the summons, and of the neglect or refusal of the tenant or occupier, as the case may be, the Judges

may

may issue a warrant under the seal of the Court, to any Bailiff of the Court requiring and authorizing him within a period to be therein named not less than seven, or more than ten clear days from the date of such warrant, to give possession of the premises to such owner or agent, and such warrant shall be a sufficient warrant to the said Bailiff to enter upon the premises with such assistants as he shall deem necessary, and to give possession accordingly: Provided always, that entry upon any such warrant shall not be made on a *Sunday, Good Friday,* or *Christmas-day,* or any other day observed by the Court as a Holiday, or at any time except between the hours of six in the morning and six in the afternoon: Provided also, that nothing herein contained shall be deemed to protect any person by whom any such warrant shall be sued out of the Court of Small Causes from any action which may be brought against him by any such tenant or occupier for such entry and taking possession, where such person had not, at the time of suing out the same as aforesaid, lawful right to the possession of the same premises.

XCIV. Such summons, as last aforesaid, may be served either personally or by leave of the Court, upon proof that the tenant or occupier is not to be found within the jurisdiction of the Court, by leaving the same with some person being in, and apparently residing at the place of abode of the person or persons so holding over as aforesaid; or if the place of abode of such person or persons shall either not be known or admission thereto cannot be obtained for serving such summons, by posting the said summons on some conspicuous part of the premises so held over.

XCV. No action or prosecution shall be maintainable against the Judges or against the Clerk of the Court, by whom such warrant as aforesaid shall have been issued, or against any Bailiff or other person by whom such warrant may be executed, or summons affixed, for issuing

such warrant, or executing the same respectively, or affixing such summons, by reason that the person by whom the same shall be sued out had not lawful right to the possession of the premises.

XCVI. Where the owner, at the time of applying for such warrant as aforesaid, had lawful right to the possession of the premises, or of the part thereof so held over as aforesaid, neither the said owner nor his agent, nor any other person acting in his behalf, shall be deemed to be a trespasser, by reason merely of any irregularity or informality in the mode of proceeding for obtaining possession under the authority of this Act, but the party aggrieved may, if he think fit, bring an action on the case, for such irregularity or informality, in which the damage alleged to be sustained thereby, shall be specially laid, and may recover full satisfaction for such special damage with costs of suit: Provided that, if the special damage so laid be not proved, the defendant shall be entitled to a verdict, and that, if proved, but assessed at any sum, not exceeding Ten Rupees, the plaintiff shall recover no more costs than damages, unless the Judge, before whom the trial shall have been holden, shall certify that in his opinion full costs ought to be allowed.

XCVII. In every case in which the person, by whom any such warrant shall be sued out of the Court of Small Causes, had not, at the time of suing out the same, lawful right to the possession of the premises, the suing out of any such warrant, as last aforesaid, shall be deemed a trespass by him against the tenant or occupier of the premises, although no entry shall be made by virtue of the warrant; and in case any such tenant or occupier will become bound with two sufficient sureties, to be approved by the Clerk of the Court, in such sum as to the Judges shall seem reasonable, regard being had to the value of the premises and to the probable cost of such action, to sue the person by whom such warrant was sued out with effect and without delay, and to pay all the costs of the

the proceeding in such action, in case a verdict shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action, or become nonsuit therein, execution upon the warrant shall be stayed until judgment shall have been given in such action of trespass; and, if upon the trial of such action of trespass, judgment be given for the plaintiff, such judgment shall supersede the said warrant.

XCVIII. Recovery of the possession of any such house, land or tenement shall be no bar to the institution of a regular suit, for trying the title thereunto, which may be brought in the Supreme Court, as if this Act had not been passed.

XCIX. Every bond given on the removal of any action out of the Court of Small Causes, or upon staying, delaying or reversing any judgment or execution awarded therein, or the execution of any such warrant of possession as aforesaid, or on moving for a new trial, or to set aside a verdict, judgment or nonsuit, shall be made to the other party to the action, and shall be approved by the Judges and attested under the seal of the Court; and if the bond so taken be forfeited, or if upon the proceeding for securing which such bond was given, the Judge, before whom such proceeding shall be had, shall not certify upon the record in Court, that the condition of the bond hath been fulfilled, the party to whom the bond shall have been so made may bring an action of debt and recover thereon: Provided always, that the Court in which such action as last aforesaid shall be brought may, by a rule of Court, give such relief to the parties liable upon such bond as may appear to him reasonable, and such rule shall have the nature and effect of a defeasance to such bond.

C. All actions and proceedings, which before the passing of this Act, might have been brought in the Supreme Court, where any Officer of the Court of Small Causes shall be a party, except in respect of any claim

to

to any goods and chattels taken in execution of the process of the Court, or the proceeds or value thereof, may be brought and determined in the Supreme Court, at the election of the party suing or proceeding, as if this Act had not been passed.

CI. If any action shall be commenced after the passing of this Act in the Supreme Court, for any cause other than those lastly hereinbefore specified, for which a summons might have been taken out from a Court holden under this Act, and a verdict shall be found for the plaintiff for a sum less than Five Hundred Rupees, if the said action is founded on contract, or less than One Hundred Rupees, if it is founded on wrong, the plaintiff shall have judgment to recover such sum only, and no costs; and if a verdict shall not be found for the plaintiff the defendant shall be entitled to his costs as between Attorney and Client, unless in either case the Judge, who shall try the cause, shall certify on the back of the record that, by reason of the difficulty, novelty or general importance of the case, or of some erroneous course of decision on like cases in the Court of Small Causes, the action was fit to be brought in the Supreme Court.

CII. If any person shall bring any suit in the Supreme Court in respect of any grievance committed by the Clerk, Bailiff, or Officer of any Court holden under this Act, under colour or pretence of the process of the said Court, and upon the trial of the action, no greater damages shall be found for the plaintiff than the sum of Five Hundred Rupees, no costs shall be awarded to the plaintiff in such action, unless the Judge shall certify in Court, upon the back of the Record, that the action was fit to be brought in the Supreme Court.

CIII. All penalties, fines and forfeitures by this Act, inflicted or authorized to be imposed, (the manner of recovering and applying whereof is not hereby otherwise particularly directed), upon proof before any Justice

of

of the Peace or Magistrate having jurisdiction where the offender shall reside or be, or the offence shall be committed, either by the confession of the party offending or by the oath or affirmation of any credible witness, shall be levied, with the costs attending the summons and conviction, by distress and sale of the goods and chattels of the party offending, by warrant under the hand of any such Justice or Magistrate, and the overplus (if any) after such penalties, fines and forfeitures, and the charges of such distress and sale are deducted, shall be returned, upon demand, unto the owner of such goods and chattels.

CIV. If any such penalties, fines and forfeitures respectively, shall not be paid forthwith upon conviction, it shall be lawful for such Justice or Magistrate to order the offender so convicted to be detained in safe custody until return can conveniently be made to such warrant of distress; unless such offender shall give sufficient security to the satisfaction of such Justice or Magistrate for his appearance before him on such day as shall be appointed for the return of such warrant of distress, such day not being more than eight days from the time of taking any such security, which security the Justice or Magistrate shall be empowered to take by way of recognizance or otherwise, as to him shall seem fit.

CV. If upon return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of the Justice or Magistrate, either by confession of the offender or otherwise, that he hath not within the jurisdiction of such Justice or Magistrate, sufficient goods and chattels, whereon to levy all such penalties, forfeitures, costs and charges, the Justice or Magistrate may, at his discretion, without issuing any warrant of distress, commit the offender to the Common Gaol or House of Correction, for any time not exceeding three calendar months, unless such penalties, forfeitures and fines, and all reasonable charges attending the recovery thereof, shall be sooner paid and satisfied.

CVI. The

CVI. The monies arising from any such penalties, forfeitures and fines as aforesaid when paid and levied, shall (if not by this Act directed to be otherwise applied) be, from time to time, paid to the Clerk of the Court, and shall be applied in like manner as the fees thereof.

CVII. In all cases in which by this Act any penalty or forfeiture is made recoverable before a Justice or Magistrate, he may summon before him the party complained against, and on such summons may hear and determine the matter of such complaint; and, on proof of the offence may convict the offender and adjudge him to pay the penalty or forfeiture incurred, and proceed to recover the same, although no information in writing shall have been exhibited before him; and all such proceedings by summons without information in writing shall be as valid and effectual to all intents and purposes, as if an information in writing had been exhibited.

CVIII. In all cases where any conviction shall be had for any offence committed against this Act, the form of conviction may be in the words or to the effect following: (that is to say,) "Be it remembered that "on this day of in the year "A. B. is convicted before a Magistrate "for the (or before a Judge appointed under Act IX. "1850) of having *(state the offence;)* and I *(or we)* the said "do adjudge the said to forfeit and pay for the same the "sum of [or to be committed to for the space "of] given under hand ( ) and seal ( ) the day "and year aforesaid."

CIX. No order, verdict or judgment, or other proceeding, made concerning any of the matters aforesaid, shall be quashed or vacated for want of form.

CX. Where

CX. Where any distress shall be made for any sum of money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the information, summons, conviction, warrant of distress or other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damage in an action upon the case.

CXI. All actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards, and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action is brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs by or on behalf of the defendant.

Schedule of Fees.

Sums not above	Every Summons or Subpœna.		Warrant.	
Rupees.	Rupees.	Annas.	Rupees.	Annas.
10	0	2	0	2
20	0	4	0	4
50	0	8	0	8
100	1	0	1	0
200	1	4	2	0
300	1	8	3	0
400	1	12	4	0
500	2	0	5	0

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. X. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act to declare Aden a free Port.

WHEREAS the trade between the Western Coast of India and the Red Sea and places thereunto adjacent will be improved by encouraging the resort of Vessels of all nations to the Port of Aden in Arabia, It is declared and enacted as follows:

I. The Port and Settlement of Aden in Arabia, is a free Port and Settlement: and no duty of Customs is payable there on any Ship or other Vessel, or on any Goods lawfully carried by sea or land to or from the said Port and Settlement.

II. The said Port of Aden shall not be taken to be within the provisions of Act VI. 1848.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XI. OF 1850.

Passed by the Governor General of India in Council on the 15th of March 1850.

An Act to amend Act X. 1841.

FOR amendment of Act X. 1841, It is enacted as follows:

I. Section XIII. of Act X. 1841, is repealed.

II. The Passes which, under Section XXIV. of the said Act, may be issued for conferring the privileges and advantages of a British Ship, in certain cases, to any ship or vessel built within the dominions of a Native Prince or State in subordinate alliance with, or having subsidiary treaties with the East India Company, may, after the passing of this Act, be issued in the like cases, and under the same restrictions, to any ship or vessel belonging to any such Native Prince or State, or their subjects, wherever the same may have been built.

III. All ships or vessels, of whatever rig and of whatever tonnage, owned by British Subjects, entitled to registry under Act X. 1841, or owned by such Native Princes or States, or by their subjects entitled to

Passes

Passes under Act X. 1841, as amended by this Act, employed only in coasting voyages, or between any port of the Continent of India and the Island of Ceylon, may be registered and obtain Passes, and the tonnage may be marked, according to such rules as shall be made from time to time by the Governor or Governor in Council of each Presidency.

IV. The owners of coasting vessels, registered under Section III. of this Act, shall pay for each Certificate of Registry;

For a vessel not exceeding the burthen of four tons one Rupee,

Exceeding four tons and not exceeding twenty tons five Rupees,

Exceeding twenty tons and not exceeding eighty tons seven Rupees,

Exceeding eighty tons, for each ton two annas,

Which fees shall be carried to the credit of the Government of the Presidency in which they are levied.

V. This Act shall be construed with and as part of Act X. 1841.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XII. OF 1850.

Passed by the Governor General of India in Council on the 22nd March 1850.

For avoiding loss by the default of Public Accountants.

FOR better avoidance of loss through the default of Public Accountants, It is enacted as follows:

I. Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or controul, by reason of his office.

II. In default of any Act having special reference to the office of any Public Accountant, the security given shall be of such amount and kind, real or personal, or both, and with such sureties, (regard being had to the nature of the office,) as shall be required by any rules made or to be made from time to time, by the authority by which each Public Accountant is appointed to his office, subject to the approval of the Governor or Governor in Council of the Presidency or place.

III. Every

III. Every person is a Public Accountant within the meaning of this Act, who, by reason of any office held by him in the service of the East India Company is entrusted with the receipt, custody or controul of any moneys or securities for money, or the management of any lands belonging to the East India Company, or as Official Assignee or Trustee, or as Surberakar, or in any other official capacity, with the receipt, custody or controul of any moneys or securities for money, or the management of any lands belonging to any other person or persons.

IV. The person or persons at the head of the office to which any Public Accountant belongs may proceed against any such Public Accountant and his Sureties, for any loss or defalcation in his accounts, as if the amount thereof were an arrear of land revenue due to Government.

V. All Regulations and Acts now or hereafter to be in force for the recovery of arrears of land revenue due to Government, and for recovery of damages by any person wrongfully proceeded against for any such arrear, shall apply, with such changes in the forms of procedure as are necessary to make them applicable to the case, to the proceedings against and by such Public Accountant.

VI. All sales of Estates, summarily sold before the passing of this Act, in satisfaction of the security bonds of any Public Accountants within the meaning of this Act, shall be deemed as good and valid, and be as liable to be reviewed and annulled, as if such Estates had been sold under authority of this Act, and no further or otherwise.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIII. OF 1850.

Passed by the Governor General of India in Council on the 22nd March, 1850.

For Punishing Breaches of Trust.

FOR the punishment of Breaches of Trust, It is enacted as follows:

I. Every person employed in the public Service of Her Majesty, or of the East India Company, and entrusted, by reason of such employment, with the receipt, custody or control of any chattel, money, or valuable security, who shall embezzle the same or any part thereof, or in any manner fraudulently apply, use or dispose of the same, or any part thereof for any purpose other than a purpose to which the same is applicable under the trust reposed in him shall be deemed to have feloniously stolen the same.

II. All Official Trustees, Assignees and Receivers of Money, by virtue of their several offices or appointments, all Justices of the Peace, Coroners and other persons, receiving by virtue of their offices or appointments any fines, forfeitures, penalties or other moneys, on behalf of Her Majesty or of the East India Company, all Sheriffs, Under Sheriffs, Bailiffs, Officers and other persons employed to levy money in execution of the judgment or order of any Court;

Court; or in receiving any taxes or other moneys directed to be levied by any Regulation of the Governor or Governor in Council of any Presidency or Place, or by any Act of the Governor General of India in Council, and also all Subordinate Officers and Servants employed in the office or service of any of the persons hereinbefore enumerated, and entrusted with money in the course of such employment, are declared to be persons employed in the public service within the meaning of this Act; but this special enumeration of some of the persons included in the general description of persons in the public service of Her Majesty or the East India Company, shall not be taken to abridge the meaning of that general description.

III. The Clauses respectively numbered XCIX, C, CI, CII, CIII and CIV, in an Act of Parliament passed in the ninth year of the Reign of King George the Fourth, intituled an Act for improving the Administration of Criminal Justice in the East Indies, are repealed, except as to all things done or forborne to be done before the passing of this Act.

IV. Every Clerk or Servant, who shall steal any chattel, money or valuable security, belonging to, or in the possession or power of his Master, shall be punishable in the same manner as persons convicted of felonious stealing under this Act.

V. Every Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, who shall by virtue of such employment, receive or take into his possession any chattel, money or valuable security, for or in the name or on the account of his Master, and who shall fraudulently embezzle the same or any part thereof, shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security was not received into the possession of his Master, otherwise than

than by the actual possession of his Clerk, Servant or other person so employed.

VI. Every Member and Officer of a Trading Corporation or Company, and also every Banker, Merchant, Factor, Broker, Attorney or other Agent, whether he be commonly so employed, or be employed as an Agent in that instance only, and whether he act as such Agent gratuitously or otherwise, to whom any chattel, money or valuable security is entrusted for safe custody, or for any special purpose, and whether with or without any authority to sell, negotiate, pledge or employ the same, but with an authority limited to some defined purpose as to the application of such money, chattel or valuable security, or of any part thereof, or of the proceeds or of any part of the proceeds thereof, who shall fraudulently apply, use or dispose of the same or any part of the proceeds thereof, for any purpose other than a purpose for which the same was entrusted to him, shall be deemed to have feloniously stolen the same.

VII. Every Sub-Agent, Clerk or Servant of any such Trading Corporation or Company, or of any Banker, Merchant, Factor, Broker or other Agent as aforesaid, who, knowing the purpose for which such chattel, money or valuable security was entrusted to the Corporation, Company, Person or Persons, by whom he is employed, shall fraudulently apply, use or dispose of the same, for any purpose other than a purpose for which the same was entrusted to his employer or employers, shall be deemed to have feloniously stolen the same though he were not himself immediately employed or entrusted with the disposition thereof by the person entitled thereto.

VIII. Every person, possessed, or having the receipt, custody or control, of any chattel, money or valuable security, in trust for any other person or persons, who shall embezzle the same or any part thereof, or in any manner fraudulently

fraudulently apply, use or dispose of the same, for his own use or benefit, in breach of the trust reposed in him, shall be deemed to have feloniously stolen the same.

IX. Every person convicted of having feloniously stolen any chattel, money or valuable security under this Act, shall be liable to be transported out of the territories under the Government of the East India Company for life, or to be imprisoned with or without labour for any term not exceeding seven years.

X. Every instrument entitling or shewing the title of any person to any share or interest in any public stock or fund of any Country or State, or in any Stock of any Corporation or Company, or for the transfer of any such share or interest, or for the receipt of any dividend or interest on any such share, or entitling or shewing the title to any deposit in any Bank, and every warrant, order or instrument for the payment of any money on any event, certain or contingent, or for the delivery or receipt of any goods, or merchandize, on any such event, is a valuable security within the meaning of this Act.

XI. Any offender under this Act may be proceeded against on the same charge for any number of distinct acts of embezzlement or fraudulent application, use or disposition as aforesaid, committed by him within six calendar months, from the first to the last of such acts: and proof of a gross deficiency in the accounts of any such Trustee or Public Servant, shall be evidence of the offence charged, until such deficiency is otherwise explained.

XII. If the offence relates to money or to any Bank Note, Bank Post Bill, Banker's Cheque, Bill of Exchange, Promissory Note, Government Paper or other like security for the payment of money, it shall be enough in the indictment

indictment or charge to allege the embezzlement or fraudulent application, use or disposition of money, without specifying any particular coin or valuable security; and such allegation shall, so far as regards the kind of property, be sustained, if the offender is proved to have embezzled or fraudulently applied, used or disposed of any amount of money or any valuable security, though the particular kind of coin or valuable security, of which such amount was composed, shall not be proved.

XIII. It shall not be necessary, in any proceeding against any offender under this Act, to declare the person to whom the property embezzled or fraudulently applied or disposed of belongs otherwise than hereinafter provided, or to give any other description of it than by stating its general character according to the provisions of this Act; and if the offence be that of embezzlement or fraudulent application, use or disposition, by a person in the public service of the Crown, or of the East India Company, of property entrusted to him by reason of such employment, or part thereof, it shall be enough to state that the defendant was in such service, and that he received the property by reason of such employment, and embezzled the same, or part thereof, or fraudulently applied, used or disposed of the same, as the case may be; and, if the case be one of fraudulent application, use or disposition by any person not being such public servant but entrusted as aforesaid, it shall be enough to state that such person was entrusted with the property (describing its general character as aforesaid,) and it shall be enough to state shortly the purpose of the trust, and that he fraudulently applied, used or disposed of the same contrary to his duty in that behalf.

XIV. The Court before which any offender is tried under this Act shall have power upon the trial to make any amendments that may be necessary, by reason of any variance between the statements of the charge and the evidence, either

either in the description of the property, or of any person, or of any office, appointment or employment, or of the purpose of the trust or otherwise, when in the opinion of the Court the person charged cannot have been misled as to his defence by such imperfect or erroneous statement.

XV. Every offender under this Act may be tried and punished by any Court of competent jurisdiction either in the place where he is in custody, or where he committed the offence.

XVI. The punishment of any offender under this Act shall not be deemed to take away or lessen his liability or the liability of his sureties to make good any loss sustained by Her Majesty or the East India Company, or any other person or persons by his misbehaviour or breach of trust.

XVII. Every person charged with a felonious breach of trust under this Act, who shall be proved to have knowingly made up or furnished false statements or accounts of the sums of money received or paid by him or entrusted to his care, or of the goods or balance of money in his custody or control, shall be liable to fine in the discretion of the Court, although no actual embezzlement or fraudulent application, use or disposition of trust, moneys, chattels or valuable securities is proved against him, and in addition to such fine may be imprisoned, with or without labour, as the Court shall adjudge, for any term not exceeding one year; but no person convicted of felonious breach of trust as aforesaid shall be punished also for making up false accounts in connection with the same breach of trust.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIV. OF 1850.

Passed by the Governor General of India in Council on the 22nd March, 1850.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at the Straits' Settlements to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts XXI. 1839 and III. 1842, to the Straits' Settlements, and to remove doubts whether Act III. 1844 is in force there, It is declared and enacted as follows:

I. All powers given by Act XXI. 1839, or Act III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple larcenies and other felonies within the Town of Calcutta, and of assaults on board of Merchant Ships, in the River Hooghly, may be exercised by any Magistrate or Justice of the Peace of the Settlements of Prince of Wales' Island, Singapore and Malacca, for the trial and punishment of the like larcenies, felonies and assaults within the said Settlements respectively, and the like assaults on board of any Merchant Ship in the roads belonging to the said Settlements respectively.

II. In execution of the powers of the said Acts, by any Magistrate or Justice of the Peace for any of the said Settlements, the said Acts shall be read, as

if

if the said Settlement and the Recorder's Court there were severally mentioned therein, instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta, and as if the said Settlement and the roads thereof were mentioned therein, instead of the River Hooghly, or the mouths thereof, and in construing the said Acts, and this Act, two rupees shall be deemed equivalent to one dollar.

III. Act III. 1844 is in force within the said Settlements, and any Magistrate or Justice of the Peace there shall be deemed a Magistrate within the meaning of that Act.

IV. Any Magistrate or Justice of the Peace for any of the said Settlements may punish any person who having been lawfully summoned to give evidence in any Criminal proceeding before any Magistrate or Justice of the Peace for the same Settlement, shall refuse or without reasonable cause neglect to attend and give evidence, by a fine not exceeding one hundred Rupees to be levied as directed by Act II. 1839.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XV. OF 1850.

Passed by the Governor General of India in Council on the 4th of April 1850.

An Act to extend the operation of Sections X. and XII., Regulation XXVI. 1814, *of the Bengal Code.*

WHEREAS it is expedient for the better administration of justice to extend the provisions of Section X. Regulation XXVI. 1814, and make them applicable to Suits instituted in the Courts of the Moonsiffs, It is enacted as follows:

I. From the passing of this Act, Sections X. and XII., Regulation XXVI. 1814, shall be applicable to all Suits instituted in the Courts of the Moonsiffs, in the Presidency of Fort William in Bengal.

II. The provisions of Act XII. 1843, shall apply to all points which the Court shall record as the points to be established, or on which proof is required by the Court according to Section X. Regulation XXVI. 1814, and to this Act.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVI. OF 1850.

Passed by the Governor General of India in Council on the 4th of April 1850.

An Act for restitution of the value of Stolen Property.

WHEREAS it is expedient that the several Criminal Courts within the Territories under the Government of the East India Company be empowered to add the punishment of fine to the punishments already provided for persons convicted before them of certain offences respecting Property, and to apply the same for the benefit of those who have suffered by such offences, It is declared and enacted as follows:

I. All Criminal Courts within the said Territories may add to the punishment competent to them to inflict upon persons convicted before them of robbery, theft, embezzlement, knowingly receiving stolen goods, cheating or other wrongful appropriation of Property, or of being accessory or privy to any such offence, the punishment of fine, not exceeding the loss appearing to be caused to the several persons, who have suffered by such wrong: and may pay and distribute the proceeds of the said fine or any part thereof, to or for the benefit of the said several persons, according to the discretion of the Court.

II. Payment of every such fine be enforced by distress and sale under the order of the Court, of the goods of the offender.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVII. OF 1850.

Passed by the Governor General of India in Council on the 4th April 1850.

An Act for taking land in Bombay and Colaba for public purposes.

FOR enlarging the powers of Act XXVIII. 1839, for taking any ground within the Islands of Bombay and Colaba, for any new public road or thoroughfare, for the purpose of enabling the Government to take land needed for any railway for the conveyance of goods or passengers within the said Islands, the construction of which may be sanctioned by Parliament or by the Government of India, and for other public purposes, It is enacted as follows:

I. Sections XV. to XXI., both inclusive, of Act XXVIII. 1839, shall extend to enable the Court of Petty Sessions, with the sanction of the Governor of Bombay in Council, to take any ground or building within the Islands of Bombay and Colaba, which may be needed by the Governor of Bombay in Council for any railway for the conveyance of goods or passengers, the construction of which is or shall be sanctioned by Parliament, or by the Government of India, or for any other purpose which shall be declared to be a purpose of public utility by the said Governor in Council; and thereupon the East India Company shall become and be the legal owners of the said ground or building; and every other person theretofore interested in the premises shall be divested of all right, title and interest to and in the same.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XVIII. OF 1850.

Passed by the Governor General of India in Council on the 4th April 1850.

An Act for the protection of Judicial Officers.

FOR the greater protection of Magistrates and others acting judicially, It is enacted as follows:

I. No Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for any act done or ordered to be done by him in the discharge of his judicial duty, whether or not within the limits of his jurisdiction: provided that he at the time, in good faith, believed himself to have jurisdiction to do or order the act complained of: and no Officer of any Court or other person, bound to execute the lawful warrants or orders of any such Judge, Magistrate, Justice of the Peace, Collector or other person acting judicially shall be liable to be sued in any Civil Court, for the execution of any warrant or order, which he would be bound to execute, if within the jurisdiction of the person issuing the same.

Calcutta, 1850 —Printed at the Bengal Military Orphan Press, by J C Sherriff.

ACT No. XIX. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

Concerning the binding of Apprentices.

FOR better enabling children, and especially orphans and poor children brought up by public charity, to learn trades, crafts and employments, by which, when they come to full age, they may gain a livelihood, It is enacted as follows:

I. Any child, above the age of ten, and under the age of eighteen years, may be bound apprentice by his or her father or guardian to learn any fit trade, craft or employment, for such term as is set forth in the contract of apprenticeship, not exceeding seven years, so that it be not prolonged beyond the time when such child shall be of the full age of twenty-one years, or in the case of a female, beyond the time of her marriage.

II. The age set forth in the contracts shall be evidence of the age of the child, in all questions which arise as to the right of the master to the continuance of the service.

III. Any Magistrate or Justice of the Peace may act with all the powers of a guardian under this Act, on behalf of any orphan, or poor child

child abandoned by its parents, or of any child convicted before him, or any other Magistrate of vagrancy, or the commission of any petty offence.

IV. An orphan or poor child, brought up by any public charity, may be bound apprentice by the Governors, Directors or Managers thereof, as his or her guardians for this purpose.

V. Any such boy may be bound as an apprentice in the sea service to any of Her Majesty's subjects, being the owner of any registered ship belonging to and trading from any port in the territories under the Government of the East India Company, which has been declared to be a registering port under Act X. 1841, to be employed in any such ship the property of such person, commanded by a British subject, and, while so employed, to be taught the craft and duty of a seaman.

VI. Any such boy may be bound in like manner for sea service in any ship of the East India Company belonging to any such port, commanded by a British subject, in which case the contract shall be made with the Master Attendant at such port, or any officer appointed to represent the East India Company in this behalf, who shall appoint the ship in which such apprentice is to serve from time to time.

VII. The master or commander of any ship in which an apprentice bound to the sea service shall be appointed to serve by the party to whom he is bound, shall be deemed the agent of such party for the purpose of this Act.

VIII. Every contract of apprenticeship shall be in writing, according to the form given in the Schedule (A.) annexed to this Act, or

to the like effect, which shall set forth the conditions agreed upon particularly specifying the age of the apprentice, the term for which he is bound, and what he is to be taught.

IX. Every such contract shall be signed by the person to whom the apprentice is bound, and by the person by whom he is bound, and by the apprentice, when he is of the age of fourteen years or more at the time of binding; but, when the apprentice is bound by the Governors, Directors or Managers of a Public Charity, the signature of two of them, or of their Secretary or Officer, shall be sufficient on behalf of the persons binding the apprentice.

X. No such contract shall be valid unless it be executed in the manner aforesaid, nor until it has been deposited in the office of the Chief Magistrate of the place or district where it has been executed, or if the apprentice is bound to the sea service, in the office of the person appointed under Act X. 1841, to make registry of ships at the port where the apprentice is to begin his service; and the person in whose office any such contract is deposited shall give to each of the parties a copy thereof, certified under his hand, which certified copies shall be received as evidence of the contract, without formal proof of the handwriting of the Magistrate or Registering Officer.

XI. The terms of service may be changed at any time during the apprenticeship, or the contract may be determined, with the consent of both parties to the contract or their personal representatives, and with the consent of the apprentice, if he is above the age of fourteen years; provided, that the changes agreed to or the termination of the contract shall be expressed in writing on the original contract, with the signature of the proper parties according to Section VIII. of this Act; and the

Magistrate

Magistrate or Registering Officer shall thereupon make under his hand corresponding endorsements on the office copies, which shall be brought to him at the same time for that purpose.

XII. The master of any apprentice bound under this Act may, with the consent of the person by whom he was bound, and with the consent of the apprentice, if he is above the age of fourteen years, assign such apprentice to any other person, who is willing to take him for the residue of his apprenticeship, and subject to the conditions thereof; provided that such person shall, by endorsement under his own hand on the contract, declare his acceptance of such apprentice, and acknowledge himself bound by the agreements and covenants therein mentioned, to be performed on the part of the master, and that the consent of the other parties aforesaid shall be expressed in writing on the same, and signed by them respectively: And every such assignment shall be certified on the office copies of the contract under the hand of the Magistrate or Registering Officer according to the form given in Schedule (B.) annexed to this Act.

XIII. Upon complaint made to any Magistrate in the said territories, by or on behalf of any apprentice bound under this Act, of refusal or neglect to provide for him, or to teach him according to the contract of apprenticeship, or of cruelty, or other ill-treatment by his master, or by the agent under whom he shall have been placed by his master, the Magistrate may summon the master or his agent, as the case may be, if he shall be within his jurisdiction, to appear before him at a reasonable time, to be stated in the summons, to answer the complaint; and at such time, whether the master or his agent be present or not, (service of the summons being proved), may examine into the matter of the complaint; and, upon proof thereof, may cancel the contract of apprentice-

ship,

ship, and assess upon the offender, whether he shall be the master or his agent, a reasonable sum for behoof of the apprentice, not exceeding four times the amount of the premium paid upon the binding, or if no premium, or a less premium than Fifty Rupees was paid, not exceeding Two Hundred Rupees; and, if the offender shall not pay the sum so assessed, may levy the same by distress and sale of his goods and chattels, and if the offender shall not be the master but his agent, by distress and sale of the goods and chattels of the master also.

XIV. No contract of apprenticeship shall be cancelled, nor shall any master or his agent be liable to any criminal proceeding, on account of such moderate chastisement for misbehaviour, given to any apprentice by his master or the agent of his master, as may lawfully be given by a father to his child; and the provision for enabling the contract of apprenticeship to be cancelled shall not bar any criminal proceeding against any master or his agent for an assault or other offence committed against his apprentice, for which he would be liable to be punished, had it been against his child; whether or not any proceedings be taken for cancelling the contract of apprenticeship.

XV. Upon complaint made to any Magistrate, by or on behalf of the master of any apprentice bound to him under this Act, of any ill-behaviour of such apprentice, or if such apprentice shall have absconded, the Magistrate may issue his warrant for apprehending such apprentice, and may hear and determine the complaint, and punish the offender by an order for keeping the offender, if a boy, in confinement in any debtor's prison or other suitable place, not being a criminal gaol, for any time not exceeding one month, of which one week may be in solitary confinement, during which time such allowance shall be made for his subsistence by the master or his agent as the Magistrate shall order; and,

if the offender be a boy of not more than fourteen years of age, may order him to be privately whipped: or, if the offender be a girl, or in the case of any boy, the Magistrate deem any such punishment unfit, he may pass an order empowering the master of the apprentice or his agent to keep the offender in close confinement in his own house, or on board the vessel to which he belongs, upon bread and water, or such other plain food as may be given without injury to the health of the apprentice, for a period not exceeding one month.

XVI. Upon complaint of wilful and repeated ill behaviour on the part of the apprentice, and on the demand of the master, the Magistrate may order the contract of apprenticeship to be cancelled, whether or not the charge is proved; but only with the consent of the apprentice and of his father or guardian, if the charge is not proved: and such cancelling shall be with or without refund of the whole or part of any premium that may have been paid to the master on binding such apprentice, as to the Magistrate seems fit on consideration of the case; and all sums so refunded shall be applied under the direction of the Magistrate for behoof of the apprentice.

XVII. The Magistrate may order any sum recovered for behoof of the apprentice on cancelling the contract to be either laid out in binding him to another master, or otherwise for his benefit, or to be paid to the person by whom any premium was paid when he was bound apprentice.

XVIII. No Magistrate shall entertain a complaint on the part of a master against an apprentice under this Act, unless it be brought within one month after the cause of complaint arose; or, if the cause of complaint arose on board ship during a voyage, within one month after the arrival thereof at a port or place in the said territories: and no Magistrate

trate shall entertain a complaint on the part of an apprentice against his master or the agent of his master under this Act, unless it be brought within three months after the cause of complaint arose; or if the cause of complaint arose on board ship during a voyage within three months after the arrival thereof at a port or place in the said territories.

XIX. If the master of any apprentice shall die before the end of the apprenticeship, the contract of apprenticeship shall be thereby determined; and a proportionate part, corresponding to the unexpired portion of the term, of any premium, which shall have been paid to such master on the binding of the apprentice to him, shall be returned by the executors or administrators out of the estate of the deceased to the person or persons who shall have paid the same; unless the executors or administrators of the deceased master shall continue the business in which such apprentice shall have been employed, and shall, within three months from the death of the late master, make offer in writing to keep the apprentice on the terms of the original contract; in which case the estate of the deceased shall be discharged from all liabilities on account of such premium.

XX. If such offer to keep the apprentice shall be made as aforesaid, the same shall be fully expressed and certified by the executors and administrators on the original contract of apprenticeship; and also on the office copies thereof, by the Magistrate or Registering Officer; and the apprentice shall be bound to the executors or administrators so keeping him for the remaining term of his apprenticeship.

XXI. Any apprentice bound under this Act, whose master shall die during the apprenticeship, shall be entitled to maintenance for three months

months from and after the death of his master, out of the assets left by him; provided that during such three months such apprentice shall continue to live with, and serve as an apprentice, the executors or administrators of such master, or such person as they shall appoint.

XXII. The apprentice of any person against whom a Commission of Bankruptcy shall be issued, or who shall be adjudged to have committed an Act of Insolvency, during the apprenticeship, shall be discharged from all obligation under the contract of apprenticeship; and, if any premium was paid on binding him as an apprentice, he or the person by whom he was bound shall be entitled to claim the amount thereof, as a debt against the estate of the bankrupt or insolvent.

XXIII. For the purposes of this Act all British subjects, wherever or of whatever parents born, as well as other persons in the territories under the Government of the East India Company, without the Towns of Calcutta and Madras, and the Town and Island of Bombay, shall be amenable to the jurisdiction of the Courts and Magistrates of the East India Company.

XXIV. An appeal shall lie from any order passed by any Magistrate without the said Towns and Island to the Court of Session to which such Magistrate is subordinate, provided the appeal is made within one month from the date of the order.

XXV. In this Act the words "master," "owner," "person," and the pronoun "he" shall be understood to include several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless there is something in the context repugnant to such construction.

SCHEDULE A.

SCHEDULE A.

Form of Agreement.

This Agreement made the day of in the year between A. B., of and C. D., of witnesseth that the said A. B. doth this day bind E. F., a boy (or girl) of the age of years completed, son (or daughter) of the said A. B. (or otherwise describing the relation in which A. B. and E. F. stand) to dwell with and serve the said C. D., as an apprentice, from this day forth for years (in the case of a girl add, or until the time of her marriage, which shall first happen), during all which term the said apprentice shall duly and faithfully serve the said C. D., according to his (or her) skill and ability in all lawful business, and demean and behave himself (or herself) honestly, orderly, and obediently, in all things toward the said C. D. and his (or her) family. And the said C. D. for himself (or herself) and his (or her) executors and administrators, in consideration (of the premium or sum of paid by the said A. B. to the said C. D., the receipt whereof the said C. D. hereby acknowledges, and) of the faithful service of the said E. F., doth covenant and agree with the said A. B., his (or her) executors and administrators, that he (or she) will teach or cause to be taught to the said E. F., in the best way and manner that he (or she) can, the trade (craft or employment) of a during the said term; and will also, during the said term, find and allow unto the said apprentice good, wholesome and sufficient food, clothes, lodging, washing, and all other things necessary fit and reasonable for an apprentice: (and further, *here insert any special covenants.*)

If there is no premium the words between brackets may be omitted.

In witness whereof the parties have hereunto set their hands and Seals, the day and year above written.

A. B. L. S.

C. D. L. S.

SCHEDULE B.

Form of Order of Assignment.

(To be endorsed on the Agreement.)

Be it known to all men that on the day of in the year personally appeared before G. H., Magistrate of C. D., of with E. F., his (or her) apprentice, and J. K., of and desired that the agreement of apprenticeship, whereby the said E. F. was bound to the said C. D., might be assigned and made over to the said J. K., and the said G. H. having satisfied himself, by personal examination of the said E. F., and by other lawful ways and means, that such assignment is for the benefit of the said E. F., and is made with the consent of (the said E. F., and of) all persons whose consent thereunto by law is required, doth allow such assignment: and the contract of apprenticeship whereby the said E. F. was on the day of in the year bound to the said C. D., as an apprentice to learn the trade (craft or employment) of a shall henceforth

If E. F. is not above the age of fourteen years, the words between brackets may be omitted.

forth endure, unto the end of the said term, as if the said J. K. had been originally party to the said deed, and had executed the same, in the place and stead of the said C. D., and shall be bound, for himself (or herself) his (or her) executors or administrators, to fulfil the covenants by the said C. D., to be performed, and the said E. F. shall henceforth be bound unto the said J. K., in like manner as he (or she) was by the said agreement bound unto the said C. D.

C. D. E. F. J. K.

In witness whereof the said C. D., E. F. and J. K. have hereunto set their hands before me the day and year above written.

G. H., Magistrate.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XX. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

An Act for settling the boundaries of the Tributary Mehals in Cuttack.

WHEREAS certain jungle or hill zemindaries in the Zillah of Cuttack, enumerated in Section XXXVI. of Regulation XII. 1805, of the Bengal Code, and the Territory of Mohurbunge, in the same zillah, were temporarily exempted by the said Regulation from the Regulations relating to the settlement and collection of the public revenue, and by Regulation XIII. 1805, of the Bengal Code, were temporarily exempted from the Laws and Regulations for the maintenance of the Police, and for the administration of justice in criminal cases, and whereas doubts have been entertained how disputes as to the boundaries of the said zemindaries are to be determined, It is enacted as follows:

I. Every case in which the boundaries between any of the said zemindaries, or the Killahs of Boad and Atmullick, and an estate subject to the Regulations of the Bengal Code, shall be in dispute, shall be heard, tried and determined in the first instance by the Superintendent of the Tributary Mehals, in Zillah Cuttack, according to such instructions as he shall, from time to time, receive from the Governor of Bengal, and his award, when confirmed by the Governor of Bengal, shall be final and conclusive, and shall be carried into execution by the Superintendent of Tributary Mehals by giving possession of the land in dispute to the parties entitled under his award.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXI. OF 1850.

Passed by the Governor General of India in Council on the 11th April 1850.

An Act for extending the principle of Section IX. Regulation VII. 1832, of the Bengal Code, throughout the Territories subject to the Government of the East India Company.

WHEREAS it is enacted by Section IX. Regulation VII. 1832, of the Bengal Code, that "whenever in any civil suit the parties to such suit may be of different persuasions, when one party shall be of the Hindoo and the other of the Mahommedan persuasion: or where one or more of the parties to the suit shall not be either of the Mahommedan or Hindoo persuasions: the laws of those religions shall not be permitted to operate to deprive such party or parties of any property to which, but for the operation of such laws, they would have been entitled;" and whereas it will be beneficial to extend the principle of that enactment throughout the territories subject to the Government of the East India Company, It is enacted as follows:

I. So much of any law or usage now in force within the territories subject to the Government of the East India Company, as inflicts on any person forfeiture of rights or property, or may be held in any way to impair or affect any right of inheritance, by reason of his or her renouncing, or having been excluded from the communion of any religion, or being deprived of caste, shall cease to be enforced as Law in the Courts of the East India Company, and in the Courts established by Royal Charter within the said territories.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXII. OF 1850.

Passed by the Governor General of India in Council on the 13th April 1850.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the North-Western Provinces and other parts of India, unaccompanied by any Member of the Council of India, It is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an order published in the Official Gazette, that the Governor General has quitted Culcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 8th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for securing the Land Revenue of Calcutta.

WHEREAS it is expedient that the Land Revenue, accruing due to the East India Company within Calcutta, be ascertained and collected in as summary a manner as in other parts of the Territories under the Government of the East India Company, It is declared and enacted as follows:

I.—All Assessable Lands, not the property of the East India Company, within the Town of Calcutta, of which the rate of Assessment is not known, or which have not heretofore been assessed, shall be assessed at the rate of three annas for each Cottah.

II. Lakhiraj tenures of Land in Calcutta, of which uninterrupted possession has been held, exempt from Assessment for sixty years, shall be valid: no other Lakhiraj tenures of Land in Calcutta shall be deemed valid, unless the same are or shall be held under an unexpired grant from the British Government.

III. If

III. If any owner of Land within Calcutta, or any person holding Land within Calcutta on lease from the East India Company shall, upon the written demand of the Collector, refuse or neglect to pay any sum at which the Land is assessed, or for which he is liable under his lease, the Collector may levy the same, by distress and sale of the Goods and Chattels, wherever found, of such owner or lessee, or, after written demand upon the tenant or occupier, and his refusal or neglect to pay the sum lawfully demanded, by distress and sale of any Goods and Chattels found upon the Land, in the manner appointed for regulating distress for small rents in Calcutta by Act VII. 1847: and, for the purpose of any such distress and sale, the Collector shall have all the powers of a Commissioner of the Court for Recovery of Small Debts referred to in the said Act, and the Collector shall have power to appoint any of his Officers to perform the duties of Bailiffs and Appraisers, and of the Chief Clerk of the said Court, as provided by the said Act, and all the provisions of the said Act relating to the said Commissioners and their Court shall be deemed to apply to the said Collector and his Office in the execution of this Act.

IV. In the case of payment by any tenant or occupier, not holding immediately under the East India Company, or the seizure and sale of his property, he may deduct the amount of the payment or levy from the next payment of rent to his landlord.

V. The claim of the East India Company for Land Revenue or rent has priority over all other claims upon the land or to which property distrained upon the land may be liable.

VI. If the Collector's claim for arrears of rent is disputed, the process of distraint and sale shall not be stayed, unless the amount claimed be lodged with the Collector.

VII. Arrears

VII. Arrears of rent or revenue which shall become due to the East India Company within the Town of Calcutta, after the passing of this Act, shall be recoverable at any time within six years next after the same are due, or next after an acknowledgment of the same in writing has been given by the person by whom the same is payable or his Agent, and not afterwards.

VIII. When a claim to hold Land Lakhiraj, or free of Assessment, shall be set up under this Act, the Collector shall inquire into the claim, taking such evidence as the claimant may offer, or the public Records supply, and shall report his proceedings and decision in the case for the consideration of the Revenue Commissioner. If the Commissioner is satisfied of the validity of the claim, he shall make an order accordingly, and such order shall be final. If he is not satisfied of the validity of the claim, he shall direct the Collector to assess the Land, leaving the claimant to contest the Collector's demand in the Civil Courts as herein provided.

IX. Any person obstructing or molesting the Collector, or any of his Subordinate Officers in the execution of their duty, shall, on conviction before a Magistrate of the Town of Calcutta, be liable to a fine not exceeding Five Hundred Rupees, and in default of payment to imprisonment in the Common Jail for a term not exceeding six months, or until the fine is sooner paid.

X. The Collector may punish any contempt committed in his presence, in open Cutcherry or Office, by fine, not exceeding Two Hundred Rupees, and in default of payment by imprisonment in the Common Jail for a term not exceeding one month: from every such order or fine or imprisonment an appeal shall lie to the Commissioner, whose decision shall be final.

XI. The

XI. The Collector shall act in the execution of this Act under the usual controul of the Superior Revenue Authorities.

XII. The Ground Rents payable to the East India Company from Lands in Calcutta are Revenue, within the meaning of the Act of Parliament 21 Geo. III. C. 70, and the Supreme Court of Judicature established by Royal Charter at Fort William in Bengal has not any civil jurisdiction concerning the said Ground Rents, or concerning any thing ordered or done in the Assessment or collection thereof.

XIII. All actions concerning any trespass or injury committed by any Revenue Officer acting under colour of this Act, or concerning any claim in respect of any goods taken by or any monies paid to any Revenue Officer under this Act, or concerning any claim of rent or revenue on the part of the East India Company under this Act, shall be tried and determined in the Civil Courts established by the East India Company at the Sudder Station of the Twenty-four Pergunnahs: notwithstanding that the cause of action, in respect of which such action is brought, arose, or the defendant therein reside, within the limits of the Town of Calcutta: and every such action shall be brought within six months after the cause of action arose, and not afterwards.

XIV. The words 'Collector' and 'Commissioner' used in this Act shall be taken to mean any person lawfully appointed to exercise the powers of Collector and Commissioner respectively.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 8th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for better defining the special duty levied on Tobacco in Bombay.

WHEREAS the laws in force respecting the special duty payable on Tobacco imported into Bombay are obscure, and require to be explained and amended, It is declared and enacted as follows:

I. Regulations XXXIII. 1827, and XV. 1828, of the Bombay Code, and so much of Act I. 1838, as relates to the customary, or special duty levied on the import of Tobacco into the Island of Bombay, are rescinded and repealed.

II. All Tobacco imported into the Island of Bombay, either by Sea, or across any of the Causeways, from whatever port or place it is brought, is and shall continue to be liable to the payment of a special duty levied at the rate of Seven Rupees and Eight Annas for the Indian maund, which duty shall be paid over and above the customary duty of One Rupee and Eight Annas, at the option of the importer, either on importation,

tation, or, after being warehoused in the Custom House Warehouse, on being delivered out for internal consumption.

III. No drawback of the said duty shall be allowed on exportation, unless the Tobacco has been warehoused in and is exported direct from the Custom House Warehouse; in which case a drawback of the whole of the special duty shall be allowed, if claimed at the time of re-exportation.

IV. This Act shall not be taken to affect the provisions and penalties of any Act or Regulation for enforcing payment of the special duty, which shall continue in force for compelling payment of the duty as declared payable by this Act, and for punishing any evasion of such payment.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT XXV OF 1850. (FORFEITED DEPOSITS.)

	Title.—In the title the words and figures "and Act IV, 1846," are repealed.	Act XII of 1891.
	Preamble.—In the preamble the words "and judgment-debtors", the words and figures "and in Section V, Act IV, 1846," and the words "in execution of decrees or" are repealed.	Act XII of 1891.

BENGAL SECRETARIAT LIBRARY

ACT No. XXV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 14th June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the forfeiture to Government of Deposits made on incomplete Sales of Land under Regulation VIII. 1819, *and Act IV.* 1846.

WHEREAS Putneedars and Judgment Debtors fraudulently avail themselves of the provision in Section IX., Regulation VIII. 1819, of the Bengal Code, and in Section V., Act IV. 1846, that forfeited deposits at Sales of Land in execution of decrees or for arrears of rent shall be applied as if they were purchase money, It is enacted as follows:

I. So much of Section IX., Regulation VIII. 1819, of the Bengal Code, and of Sections V. and IX., Act IV. 1846, as provides that the deposit at any sale of Land, or any interest in Land, under the said Regulation or Act, if forfeited, shall be regarded as part of the proceeds of the sale, or applied as if it were purchase money, is repealed.

II. Any such forfeited deposit shall be applied to defray the expences of the sale, and the surplus shall be forfeited to Government.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act to enable improvements to be made in Towns.

WHEREAS Act X. 1842, was passed for enabling the inhabitants of any place of public resort or residence, under the Presidency of Fort William, not within the Town of Calcutta, to make better provision for purposes connected with public health and convenience, but the said Act has proved ineffectual for the purpose, and it is expedient to amend the provisions thereof, and to extend the like powers to the inhabitants of Towns in the other Presidencies under the Government of the East India Company, It is enacted as follows:

I. Act X. 1842, is repealed.

II. If it shall appear to the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company, that the inhabitants of any Town or Suburb, not within the Town of Calcutta, Madras, or Bombay, are desirous of making better provision for making, repairing, cleaning,

cleaning, lighting, or watching any public streets, roads, drains, or tanks, or for the prevention of nuisances, or for improving the said Town or Suburb in any other manner, the said Governor or Governor in Council, or Lieutenant Governor, may order this Act to be put in force within such Town or Suburb.

III. Whenever any application shall be made to the Government for putting this Act in force in any Town or Suburb, notice thereof shall be given in the *Government Gazette* of the Presidency, or place, and also by proclamation within such Town or Suburb, setting forth the purposes of the application, and giving reasonable time for all inhabitants of such Town or Suburb, who are minded to declare themselves for or against the adoption of this Act therein, for such purposes or any of them.

IV. The Governor or Governor in Council, or Lieutenant Governor, shall take all such declarations into due consideration, and after the time allowed for receiving the same, shall make a final order, which shall be published in the *Government Gazette*, and also notified by proclamation within such Town or Suburb, to the effect that the application appears, or does not appear, to be according to the wishes of the inhabitants, either wholly, or in respect to one or more of the purposes in respect of which it is made; and if the whole or any part of it shall appear to be according to the wishes of the inhabitants, then that this Act shall be thenceforth in force in such Town or Suburb, for such purposes only as shall be mentioned in the order.

V. Whenever any such order shall be made and published as aforesaid, this Act shall come into force within the said Town or Suburb, for such purposes as are mentioned in the Order, and the making and publication of the said Order shall be conclusive evidence that the provisions

of

of this Act has been complied with, and that it is thenceforth in force within the said Town or Suburb, for such purposes as are mentioned in the Order.

VI. Whenever this Act shall come into force in any Town or Suburb, the Governor or Governor in Council, or Lieutenant Governor, shall appoint the Magistrate and such number of the inhabitants thereof as to him shall appear necessary, to be Commissioners for putting the Act in force, and shall give authority to them to prepare Rules for more effectually accomplishing the purposes for which they are appointed; which Rules, when approved by the Governor or Governor in Council, or Lieutenant Governor, shall be of the same force within the said Town or Suburb, until altered or rescinded as hereinafter provided, as if they were inserted in this Act. And the said Governor or Governor in Council, or Lieutenant Governor, may remove any of the Commissioners and appoint others, and may fill up vacancies occurring among the Commissioners in such manner as may seem to him fit.

VII. The Rules to be prepared by the said Commissioners shall provide, among other things, for those following, that is to say:

1. The appointment and management of all necessary Officers and Servants of the Commissioners, and the salaries to be allowed to them.

2. The definition of the persons of property within the Town or Suburb to be taxed for raising the monies necessary for the purpose of this Act, whether by House Assessment or Town Duties, or otherwise, the amount or rate of the taxes to be imposed, the manner of raising and collecting them; and ensuring the safety and due application of them when collected.

3. The

3. The manner in which from time to time the Rules in force are to be amended or rescinded, and new Rules are to be made, with the approval in every case of the Governor or Governor in Council, or Lieutenant Governor.

4. The definition and prohibition of nuisances within the Town or Suburb.

5. The imposition of reasonable penalties for breach of any Rule made by the Commissioners, not exceeding Fifty Rupees, or in the case of continuing nuisance, not exceeding Five Rupees for every day that such nuisance is continued.

VIII. The Commissioners appointed from time to time shall have full power to make all necessary contracts, for the purposes of this Act, and apply the taxes raised as aforesaid in the necessary works, and in payment of their Officers and Servants, and in the other expenses incident to the execution of this Act within the said Town or Suburb.

IX. No Commissioner shall be personally liable for any contract made by the Commissioners on behalf of the inhabitants of such Town or Suburb; but every Commissioner shall be liable for any misapplication of the monies collected, to which he shall have been knowingly party or privy, or which shall have happened through gross neglect of his duty, and shall be liable to be sued for the same as for money due to, and at the suit of the East India Company.

X. The powers of Act II. 1839, for the recovery of fines, shall be applied for the recovery of all arrears of taxes and penalties under this Act; and every Magistrate shall put in force the powers of the said

Act

Act II. 1839 for that purpose, whenever thereunto required by the Commissioners, or any of their Officers deputed by them for the purposes of enforcing payment of arrears of taxes imposed under this Act.

XI. No rate on property made under this Act shall be invalid for defect of form; and it shall be enough in any such rate on property, or any Assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

XII. All movable property found in any house or building, or upon any land assessed under this Act may be seized and sold by warrant of a Magistrate for payment of any arrear of tax laid on such house, building or land under this Act.

XIII. All Commissioners acting in execution of this Act shall, on or before the last day of April in every year, make up and send to the Governor or Governor in Council, or Lieutenant Governor, an account of all works executed by them, and of all sums received and spent by them in the foregoing year, in such form and with such vouchers as the Governor or Governor in Council, or Lieutenant Governor, shall from time to time order.

XIV. The Governor or Governor in Council, or Lieutenant Governor may, at any time, suspend the operation of this Act in any Town or Suburb, and appoint any person or persons to examine and report upon the behaviour of the Commissioners, or any of them, or their Officers in the execution of this Act.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff

ACT No. XXVII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the registry of Merchant Seamen.

WHEREAS it is expedient to form a register of Merchant Seamen, It is enacted as follows:

I. A General Register Office for Merchant Seamen shall be established, at each of the ports of Calcutta, Madras and Bombay, and at such other ports as the Governor General of India in Council shall hereafter deem necessary,

II. For every such Office there shall be a Registrar, with such Assistants, Clerks and Servants, at such salaries and allowances, and subject to such regulations, as shall be, from time to time, directed, with the approval of the Governor General of India in Council, by the Governor, or Governor in Council, of the Presidency or place where the office is established.

III. Each Registrar, before entering on the duties of his Office, shall, with two Sureties, execute a joint and several bond to the East India Company,

Compaany, according to such form as shall be, from time to time, approved by the Governor General of India in Council, conditional for the faithful performance of his duty, and for the due application and account of all monies that shall come to him, as such Registrar, under such amount of penalty as shall be, from time to time, fixed by the Governor, or Governor in Council, of the Presidency or place.

IV. Every person not having a Register Ticket from any port in the United Kingdom of Great Britain and Ireland, who intends to serve, (otherwise than as Master or Surgeon), on board of any vessel navigated from a port within the territories under the Government of the East India Company, and registered as a British Vessel under the Statutes of Parliament and Acts of the Governor General of India in Council, in force, for the time being, for the registry of British Vessels, shall be bound to appear at one of the said Register Offices, for the purpose of procuring himself to be registered, and shall be bound to answer truly, to the best of his ability and knowledge, the several questions set forth in the Schedule (A) annexed to this Act, and such other questions as shall be, from time to time, directed by the Governor General of India in Council, and until so registered shall not be allowed, after the First day of August 1850 to serve in any capacity, (other than Master or Surgeon), on board of any such registered Vessel.

V. The Registrar shall be bound to register every Seaman, who shall appear at his office for that purpose, and truly answer the said questions to the best of his ability and knowledge.

VI. The Registrar shall give to every Seaman whom he shall register a Register Ticket, containing as accurate a description as may be, of such Seaman, in such form as shall be, from time to time, approved by the Governor General of India in Council; for which he shall be entitled

entitled to take such Fee, not exceeding One Rupee, as shall be, from time to time, allowed by the Governor or Governor in Council; and shall keep recorded in his office a duplicate of every such Register Ticket. The Registrar shall ascertain to the best of his ability, and specify on the Register Ticket, the class or rating of Seafaring persons to which each registered Seaman appears to him to belong; and, from time to time, shall note on any Ticket produced to him for that purpose any superior rating to which the holder of the Ticket appears at that time to be entitled.

VII. Whenever any Seaman shall lose his Register Ticket, he shall apply personally to one of the said Registrars, and shall be bound to answer truly, to the best of his ability and knowledge, all questions which the Registrar, or one of his Assistants shall put to him, touching the time and manner of the loss; and if it shall appear that no fraud has been committed or intended, the Registrar shall furnish another Ticket to him, upon payment of such Fee, not exceeding Five Rupees, beside the common Fee for the issue of a Register Ticket, as the Registrar shall think fit, under the instructions to be issued to him by the Governor or Governor in Council, having regard to the time and manner of the loss of the former Ticket.

VIII. Whenever any registered Seaman shall be committed to prison, or to any house of correction, the Court or Justice of the Peace shall cause his Register Ticket to be delivered to the keeper of such prison or house of correction, who shall keep it during the term of the Seaman's imprisonment, and at the end of the imprisonment give it to him again; and, whenever any registered Seaman shall be sentenced to death or transportation, the person having him in custody shall send his Register Ticket to the office of the Registrar by whom it was issued.

IX. The

IX. The Registrar shall cancel every Register Ticket, which shall come again into his possession; and, from time to time, shall make out lists, shewing the number and name upon every Ticket, cancelled during the twelve months then last past, and of every Ticket, which shall have been represented to him to have been lost, and in respect of which he shall have issued another Ticket during the same twelve months; and shall cause such lists to be published in the *Gazette*, in the English and vernacular language of the port, and shall also send them to the Collector of Customs and principal Officer of Police at such Towns or Ports as shall be directed by the Governor or Governor in Council, to be by them respectively exhibited in some conspicuous part of the Custom House and Police Office; and copies of such lists shall be sent to the Master Attendant at every such port, and shall be delivered to any Master or Owner of a registered Vessel on application, and on payment of a Fee of One Rupee.

X. The Master of any such Vessel shall not at any port in the said Territories, after the said First day of August, engage or employ, for the purpose of going to sea in his Vessel, any unregistered Seaman, or any Seaman having a cancelled Register Ticket; and shall cause to be delivered to him the Register Ticket of every Seaman, whom he shall so engage at any such port, after the said First day of August, before putting to sea, which Ticket the Master shall keep safely (unless in the cases herein mentioned) until the end of the service of such Seaman with him, and shall then give it back to the Seaman to whom it belongs: and every Master of a Vessel, who shall wilfully offend against this enactment, shall be liable to a penalty, not exceeding One Hundred Rupees, for each Seaman so unlawfully engaged or employed.

XI. Every person applying for a Register Ticket, who shall wilfully give a false answer to any question, which the Registrar or his Assistant

Assistant is entitled to ask of him, or wilfully make any false statement before the Registrar or his Assistant as to the loss of any Register Ticket, shall be liable to a penalty, not exceeding Fifty Rupees.

XII. Every person, who shall wilfully alter, deface or destroy any Register Ticket, or counterfeit any such Register Ticket, or transfer or traffic in any such Ticket, issued or purporting to be issued under this Act, shall be liable to a penalty, not exceeding One Hundred Rupees.

XIII. Every person, who shall become possessed of any Register Ticket, other than that lawfully issued to him, (except Masters of Vessels and others directed to keep any such Tickets by this Act), either by the death of the Seaman to whom it belonged or otherwise, shall forthwith send it to the Registrar of the port whence it was issued, and in default of so doing, shall be liable to a penalty, not exceeding One Hundred Rupees.

XIV. Every Seaman, tendering to the Master or Owner of any Vessel a cancelled Register Ticket, or any Ticket not lawfully issued to him, shall forfeit to the Owner all wages accruing to him during the service for which he shall have agreed.

XV. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered with costs, as if they were imposed by a Magistrate under Act II. 1839.

XVI. The Fees received by the Registrar shall be applied toward defraying the expenses of this Act; beside which, a yearly duty of One Anna

Anna per ton shall be levied for the same purpose on all Vessels of the burden of one hundred and fifty tons and upwards, navigated to or from the ports within the Territories under the Government of the East India Company; and the production of a certificate of payment at one port of Registry shall free the same Vessel at all others during the current year, to be reckoned from the First day of January to the last day of December.

SCHEDULE A.

1. What is your name and surname?
2. What is your father's name, and usual dwelling-place?
3. Have you been registered before?
4. Where were you born?
5. When were you born?
6. When did you first go to sea?
7. In what capacity did you first go?
8. In what capacity have you since served?
9. Have you served in the Royal or Indian Navy? or in the Marine of the East India Company?
10. If you have, how long? and in what Ships? and in what capacity?
11. Have you been in Foreign Service?
12. If you have, how long? and in what capacity? and under what Flag?
13. How have you been generally employed at sea?
14. Where do you usually live when unemployed?

SCHEDULE B.

SCHEDULE B.

Names and numbers of the Register Tickets of the Crew (including Apprentices) now serving on board the of the Port of of the burden of Tons, on taking departure from the Port of in the East Indies, bound on a voyage to

Number and date of Ship's Register.	Name.	Capacity.	Number of Register Ticket.

Dated this day of 18 .

Master.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 21st June 1850, with the assent of the Most Noble the Governor General of India.

An Act for the encouragement of Merchant Seamen.

FOR the encouragement and protection of Merchant Seamen, It is enacted as follows:

I. The Master of any Vessel, navigated from any port within the territories under the Government of the East India Company, where a Registrar of Seamen is or shall be appointed under Act XXVII. 1850, registered as a British Vessel under any Statute of Parliament, or Act of the Governor General of India in Council, in force for the time being, for the Registry of British Vessels, except Country Craft not exceeding the burden of 300 tons employed only in Coasting voyages, shall not put to sea on any day after the First day of August 1850, until an agreement, executed as hereinafter provided, shall have been made by him with such of his Crew as are shipped at any port within the said territories, specifying what wages each Seaman is to receive, and the quantity and quality of provisions he is to receive, the capacity in which each is to act, or serve,

and the voyage in which the Vessel is to be employed, or the length of time that each is to serve.

II. Every such agreement shall be in the form set forth in Schedule (A) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, and shall be properly dated, and shall be signed by the Master and the greater number of Seamen shipped at any port in the said territories, of each kind of rating belonging to the Vessel, on behalf of the Crew, respectively, in the presence of the Registrar of Seamen, or by some one appointed by him for that purpose, who, after hearing the agreement read over and explained to each Seaman by whom it is to be signed, in a language understood by him, shall, if the Seaman assent, cause him to put his signature or mark thereunto, and shall attest the same by his own signature, and shall keep recorded in his office a duplicate of such agreement executed and attested as aforesaid. Every Seaman shipped on board such Vessel, and not being an Apprentice, shall be entitled to have the benefit of such agreement, according to his rating, as if it were executed by him.

III. Every copy of such an agreement, certified by the Registrar to be a true copy, shall, in all cases, be taken as evidence of the contents thereof on behalf of the Seamen; and no Seaman shall, in any case, be required to produce such agreement, or such copy as aforesaid, or to give notice for the production thereof; but, if the agreement shall not be produced and proved, he shall be at liberty to prove the contents or purport thereof, or to establish his claim by other evidence, according to the nature of the case.

IV. No Seaman, shipped under this Act, shall, by reason of any agreement, forfeit his lien upon the Ship, or be deprived of any remedy for

for the recovery of his wages to which he would otherwise be entitled, against any person or persons whatever; and no agreement, contrary to, or inconsistent with this Act, nor any clause, contract or engagement, whereby any Seaman shall consent or promise to forego, or give up any right or claim to wages in the case of freight earned by a Ship afterwards lost, or any right or claim to salvage or reward for salvage services, or such share of salvage or reward for salvage services as may be due to him by decree or award, or otherwise, shall be binding on such Seaman.

V. The wages of any Seaman engaged to serve on any Vessel under this Act, shall be calculated by the calendar month.

VI. If any Seaman, serving under the provisions of this Act, shall, by a writing, according to a form set forth in Schedule (B,) annexed to this Act, or such other form as shall be, from time to time, approved by the Governor General of India in Council, attested by the signature of the Registrar or his Assistant, and by the signature of the Master of the Vessel on which he is engaged to serve, and in which writing the purpose shall be stated, authorize the said Registrar to receive monthly from the Owner of the said Vessel or his Agent, any part of his wages, not exceeding one-third thereof, for the time for which he shall not have received any advance, for the purpose of maintaining his family during his absence, the said Owner or his Agent shall, on demand of the said Registrar, pay such sum to him, to be applied as aforesaid, without requiring any proof from the said Registrar that the said Seaman is still on board the said Vessel.

VII. All such payments, whether by the Owner, his Agent or by the Registrar, shall cease from and after the production of a certificate from the Master of the Vessel, of the death, desertion or discharge of the said Seaman, or on reasonable evidence that the Vessel has been lost;

but

but no payment, actually made by the Registrar to the party appointed by the said Seaman, shall be reclaimable by reason of his death, desertion, or discharge, or of the loss of the Vessel.

VIII. All such receipts and payments shall be entered in a book, and all entries in the said book shall be authenticated by the Registrar under his signature, or the signature of his Assistant; and the said book shall be, at all times, open to the inspection of the parties concerned.

IX. At the time of witnessing the execution of the agreement for service, the Registrar shall explain to the Seamen, parties thereunto, the conditions on which they can allot a part of their pay to their families during their service; and it shall be the duty of the Registrar to see that all Seamen leaving the port have the option of allotting part of their pay as aforesaid.

X. The Master of every such Vessel, before leaving any Port of Registry, shall deliver to the Registrar a list, signed by himself, of the name of every Seaman engaged by him in the territories under the Government of the East India Company, (including Apprentices), with their rating and the number of their Register Tickets, according to such form as shall be, from time to time, approved by the Governor General of India in Council; and, if he shall not have engaged any Seaman within the said territories, the Master shall deliver to the Registrar a certificate of the fact signed by himself; and, on receiving the said list or certificate, and on being satisfied of its truth, the Registrar shall give to the Master a certificate under his hand, that the Master of such Vessel has complied with the regulations of the Registry Office. Every Master of any such Vessel, who shall leave a Port of Registry, without delivering such list or certificate as aforesaid, shall be liable to a penalty, not exceeding Two Hundred Rupees.

XI. For

XI. For the purpose of preventing any Seaman from being shipped on board of any Vessel in any Port of Registry, contrary to the provisions of this Act, the Registrar of the Port, by himself, or his Agents, in a peaceable manner, may enter at any time on board of any such Vessel, and muster and examine the several Seamen employed therein; and any person, who shall obstruct the said Registrar or his Agents in such duty, shall be liable to a penalty not exceeding One Hundred Rupees.

XII. In cases when the Registrar shall have reason to believe that any of the provisions of this Act has been evaded or neglected by the Master, Owner or Agent of any Ship about to go to sea, the Registrar, by a writing under his hand, may stay the grant of a port-clearance by the Master Attendant; and every Master Attendant shall comply with the written requisition of the Registrar in this respect.

XIII. The Master of every such Vessel, on which any Seaman engaged under this Act may be serving, shall, within seven days after the arrival of such Vessel at the port where the voyage ends, or after the end of the service, according to the agreement entered into, in accordance with this Act, pay or cause to be paid to such Seamen the wages remaining due to them for their services, taking a receipt from each man for the amount paid to him, either separately or on a general list, which receipt shall be certified by the Chief or Second Officer, or other credible witness, and otherwise shall be of no force or validity.

XIV. Every Master or Owner, who shall neglect or refuse to pay any Seaman's wages, within the time mentioned in the last Section, shall forfeit and pay to such Seaman the amount of two days' pay, to be recovered as wages, for each day, not exceeding ten days in the whole, during which such payment has been delayed without sufficient cause.

XV. If any Seaman, to whom any wages are due, die before the wages due have been paid, then the wages shall be paid to the Registrar of the Port of Registry at which the Ship shall first touch after his death, and the Registrar shall pay the same to his legal representative, and failing such legal representative, after the expiration of twelve months from the First of January next following the day on which he shall have received the said balance, into the Treasury of the East India Company, after having given due notice of such unclaimed balance being in his possession, by advertisement in the *Gazette*, at least twice during such period.

XVI. Every Master of a Vessel, who shall be convicted before a Magistrate of having neglected to pay to the Registrar, within ten days of the Ship's arrival in the port as aforesaid, the wages due to deceased Seamen, shall forfeit three times the amount of wages so neglected to be paid; and further shall be subject to such fine, not exceeding One Hundred Rupees, for each case of neglect, as to such Magistrate shall seem fit.

XVII. Whenever nay Merchant Vessel, navigated and registered as is mentioned in Section I., and not having been wrecked or condemned, shall be sold or disposed of at any port out of the territories under the Government of the East India Company, or whenever the service of any Seaman shall end at any such port, the Master shall give to each Seaman a Certificate of discharge, and his Register Ticket, and also either provide for him fit employment on board some other such Vessel bound to some port within the said territories, or provide for him a passage to the port at which he was shipped, or such other port as may be agreed on, either free of cost, or by depositing with the British Consul or Vice Consul, or if there be none such, with some resident Merchant of the port not interested in the Vessel, such a sum of money

as shall be, by him, deemed reasonably enough to pay the expenses of his subsistence and passage, which money shall be paid over and above any wages which may be due to him.

XVIII. If the Master shall neglect or refuse to provide employment, or the means of passage, for any of his Crew as mentioned in the last Section, the expense of doing so, when defrayed, shall be a charge on the Owner of the Vessel, unless in cases of barratry, wreck or condemnation, and may be recovered with full costs of suit from such Owner as so much money paid on his account, at the suit of the Consul or any other person defraying such expenses, or at the suit of the East India Company, in case the same has been paid or allowed out of any monies belonging to the East India Company; and, if defrayed by the Seaman himself, may be recovered as wages due to him.

XIX. The obligations of the last two Sections shall not apply to such of the Crew as shall consent, in writing, before the British Consul or Vice Consul, or if there be no British Consul or Vice Consul at the port, before one or more resident Merchants not interested in the Vessel, to be then and there discharged.

XX. In all cases of wreck or loss of the Ship, every Seaman then on board shall be entitled to his wages up to the time of the wreck or loss, whether or not the Ship has earned freight; provided he shall produce, from the Master or Chief Surviving Officer of the Ship, a Certificate that he did his best to save the Ship, Cargo and Stores.]

XXI. Every Seaman shall be entitled to receive an increase of his wages for every day on which the allowance of provisions, which it was agreed he should receive, shall be reduced, at the rate of One Anna daily, while the reduction is not more than one-third of the quantity, and Two

Annas

Annas daily, while the reduction is more than one-third: and these pecuniary allowances shall be recoverable as his other wages are.

XXII. No assignment or sale of Seamen's wages, salvage or prize money, made before the accruing thereof, nor any Power of Attorney expressed to be irrevocable, for the receipt of any Seaman's wages, salvage or prize money, shall be valid or binding on the party making the same; and any attachment, to be issued out of any Court, shall not prevent the payment of any Seaman's wages, salvage or prize money to him.

XXIII. Every such Vessel shall have always on board a sufficient supply of medicines and appliances, suitable for diseases and accidents likely to happen on sea voyages, according to such scale as shall be, from time to time, issued by the Superintendent of the Indian Navy, with the approval of the Governor General of India in Council, and published in the *Government Gazettes* at Calcutta, Madras and Bombay; and, in default thereof, the Owner of the Vessel shall be liable to a penalty, not exceeding Two Hundred Rupees, and Five Rupees for every day during which such default shall wilfully continue.

XXIV. Whenever the Master, or any Officer or Seaman of any such Vessel shall receive any hurt or injury in the service of the Vessel, the expense of providing the necessary surgical and medical advice and attendance, with medicines, and for his subsistence, until he shall be cured or shall be brought back to the port from which he was shipped, or other port agreed upon, shall be defrayed, with the cost of his conveyance to such port, by the Owner of the Vessel, without any deduction on that account from the wages of such Master, Officer or Seaman; and, if paid by himself, may be recovered as part of his wages; and, if paid or allowed out of any monies belonging to the East India Company, may be recovered with full costs of suit, as a debt due to the East India Company.

XXV. If

XXV. If any Vessel, on board of which there shall be any Seaman, who has received an advance under this Act, shall, before going on the voyage for which such advance shall have been paid, be destroyed or injured by fire, or other cause, so as to prevent her going on her then intended voyage, or if such voyage shall be discomfited at the beginning, or before the advance has been worked out, the Master, Owner or Agent of such Vessel may demand from such Seaman, unless he shall pay back the amount so advanced to him, service to the full amount of the advance received by him, on board of any other Vessel; and such Seaman, until he has worked out such advance, shall not be entitled, without the consent of such Master, Owner, or Agent, to take service in any Vessel other than that on which he is so required to serve; and any such Seaman, who shall refuse to work out such advance on board such other Vessel, on summary conviction of his refusal before any Magistrate or Justice of the Peace, shall be liable to be imprisoned, with hard labour, for any term not exceeding six months.

XXVI. The Registrar of Seamen may grant, from time to time, to such persons as he may deem fit, a license to act as broker for procuring Seamen for Vessels shipping men under this Act, and also a license to the keeper of any lodging-house for Seamen, enabling him to allow Seamen to be engaged at his house, and also may revoke and annul such license on the misconduct of any such person: and every such license shall be granted for such term, upon such conditions and upon such security given, as the said Registrar shall, from time to time, appoint.

XXVII. Every person, not licensed as aforesaid, and not being the Owner, part Owner, Master, or person in charge of the Vessel, on board of which the men are to serve, who shall hire or engage a Seaman, to be entered on board any Merchant Ship, at any Port of Registry, and every person, whether licensed or not, other than the Owner, part Owner, Mas-

ter, or person in charge of the Merchant Ship, on board of which the men are to serve, who shall demand or obtain the Register Ticket of any Seaman, for the purpose, or under the pretence of engaging him on board of any Merchant Ship, and every person, whether or not licensed as aforesaid, who shall ask or take, directly or indirectly, from any Seaman any fee, reward, or other valuable consideration, for hiring or engaging or endeavouring to hire or engage him on board of any Merchant Ship, shall be liable to a penalty, not exceeding Five Hundred Rupees.

XXVIII. Every licensed broker, who shall engage any Seaman at any punch-house or tavern, not being a licensed lodging-house for Seamen as aforesaid, or who shall be directly or indirectly interested in any punch-house or tavern not being a licensed lodging-house for Seamen as aforesaid, shall forfeit his license.

XXIX. Every person, who shall persuade or endeavour to persuade, or hinder any Seaman, from complying with any of the privisions of this Act, or who shall counsel such Seaman to desert, or who shall conceal, or aid in concealing or maintaining any Seaman, who has deserted, shall be liable to a penalty, not exceeding Five Hundred Rupees.

XXX. If a Seaman, engaged under this Act, shall at any time, whether before or during any voyage, neglect or refuse to join the Vessel, on board of which he shall have engaged to serve, or shall refuse to go to sea in such Vessel, or shall absent himself therefrom, without leave, or shall desert, any Justice of the Peace or Magistrate in the territories under the Government of the East India Company, at or near to the place where such Vessel shall happen to be, or where such Seaman shall be found, upon complaint made upon oath, by the Master, Mate or Owner, or his Agent, may issue his warrant, and cause such Seaman to be taken into custody, and brought before him; and upon, due proof of such

such neglect, refusal, or absence, without reasonable excuse, or of desertion, may commit such Seaman to prison, or to the house of correction, there to be imprisoned, with or without hard labour, for a term not exceeding thirty days; or, if he shall think fit, at the request of the Master, Mate, or Owner, or his Agent, instead of committing such Seaman, may cause him to be taken on board the said Vessel, or to be delivered to the Master, Mate, or Owner, or his Agent, for the purpose of being so taken and going on the voyage; and also may award to the Master, or Owner, or his Agent, such costs incurred in the apprehension of the Seaman, as to such Justice or Magistrate shall seem reasonable, not exceeding, in any case, the sum of Twenty Rupees, which shall be chargeable against, and may be deducted from the wages of such Seaman.

XXXI. Every Seaman, engaged under this Act, who, during the term of his service, shall wilfully, and, without leave, absent himself from the Vessel, or otherwise from his duty, shall, (in all cases, not of desertion, or not treated as such by the Master), forfeit, out of his wages, the amount of two days' pay, and for every twenty-four hours of such absence the amount of six days' pay, or, at the option of the Master, the amount of such expenses as shall have been necessarily incurred in hiring a substitute; and every Seaman, who, while he shall belong to the Vessel, shall, without sufficient cause, neglect or refuse to perform his duty reasonably required of him by the Master, or other person in command of the Vessel, shall be subject to a like forfeiture, in respect of every such offence, and of every twenty-four hours' continuance thereof; and every such Seaman, who, after the Vessel's arrival at her port of delivery, and during the term of his service, shall leave the Vessel without a discharge or leave from the Master, shall forfeit one month's pay out of his wages: Provided always, that no such forfeiture shall be incurred, unless the fact of the Seaman's absence, neglect, or refusal shall be duly entered in the

Log

Log Book, the truth of which entry the Owner, Master, or Agent, in all cases of dispute, shall be bound to substantiate, by the evidence of the Mate, or some other credible witness.

XXXII. Every Seaman engaged under this Act, who shall desert his Vessel, shall forfeit to the Owner all his clothes and effects which he may leave on board, and also all wages and emoluments to which he might otherwise be entitled; provided always, that every desertion be entered in the Log Book at the time, and certified by the signatures of the Master and the Mate, or the Master and one credible witness.

XXXIII. If any Seaman shall desert, during the term for which he has engaged to serve, in any place beyond the Port where he was engaged, and the Master of the Vessel shall engage a substitute at a higher rate of wages than that stipulated in the agreement, to be paid to the Seaman so deserting, the Owner, Agent, or Master of the Vessel, shall be entitled to recover from the Deserter, by summary proceeding, in the same manner as penalties are by this Act made recoverable, (so far as the same can be applied), any excess of wages or portion thereof which such Owner, Agent, or Master shall pay to such substitute, beyond the amount which would have been payable to the Deserter, if he had duly performed his service: Provided always, that no Seaman shall be imprisoned longer than three calendar months for non-payment of any such excess of wages.

XXXIV. The absence of a Seaman from his Vessel, for any time within twenty-four hours immediately before the sailing of a Vessel from any port, whether before or during any voyage, wilfully or knowingly, without leave, or the wilful absence of a Seaman from his Vessel, at, or for any time, without leave, and in such manner as to shew an intention to abandon his Vessel and not return thereto, shall be deémed desertion.

XXXV. Every

XXXV. Every person, who shall wilfully harbour or conceal any Seaman or Apprentice, who shall have deserted, knowing or having reason to believe such Seaman or Apprentice to be a Deserter, shall, for every such Seaman or Apprentice so harboured or concealed, be liable to a penalty, not exceeding One Hundred Rupees.

XXXVI. No debt, exceeding in amount Three Rupees, incurred by any Seaman after he shall have engaged to serve under this Act, shall be recoverable until the service agreed for shall be ended; nor shall any keeper of a public-house, or of a lodging-house for Seamen, be entitled to detain any chest, tools, or other property of any Seaman, for any debt alleged to have been contracted by him; and in case of such detention of the chest, tools, or other property of a Seaman, any Justice of the Peace or Magistrate at or near the place, upon complaint upon oath to be made by such Seaman, or by any person on his behalf, may enquire into the matter upon oath in a summary way; and, by warrant under his hand and seal, may cause such property to be seized and delivered over to such Seaman; and the person so detaining the same shall be liable to a penalty, not exceeding One Hundred Rupees.

XXXVII. Any Justice of the Peace or Magistrate, within the territories subject to the East India Company, upon complaint made by any three or more of the Crew of any such Vessel, shall survey and examine, or cause to be surveyed and examined, the provisions, water, and medicines, put or supplied on board of the Vessel, for the use and consumption of the Crew; and, if on such survey and examination, it shall be found that such provisions, water, or medicines, are of a bad quality or unfit for use, or not such as should be provided, or there shall not appear to be a sufficient quantity thereof, the Surveying Officer shall signify the same, in writing, to the Master of the Vessel; and, if such Master shall not thereupon provide other fit provisions, water, or medi-

cines, instead of any which may be signified by the said Surveying Officer to be of a bad quality or unfit, or if any such Master shall not thereupon procure the needful quantity of provisions, water and medicines, or shall issue to the Crew any provisions, water, or medicines, which shall have been signified by the Surveying Officer to be of a bad quality, or unfit, he shall, in each of such cases, be liable to a penalty, not exceeding Five Hundred Rupees.

XXXVIII. A place of shelter shall be provided below a well caulked and substantial deck, for the men engaged under this Act, large enough to allow four superficial feet for every man; and if the place allotted be under the Top-gallant Forecastle, such Forecastle deck shall be not less than four feet six inches above the one below it; and in default thereof every man who is unprovided with such adequate shelter shall be entitled to have an increase of his wages, at the rate of Four Annas daily, while he is so unprovided, which shall be recoverable as his other wages are.

XXXIX. All penalties, directed by this Act, may be imposed on summary conviction before a Magistrate or Justice of the Peace, and may be recovered, with costs, as if they were imposed by a Magistrate under Act II. 1839.

XL. All claims for wages or forfeitures due and incurred under the agreements entered into under this Act, may be heard and determined by any Justice of the Peace or Magistrate; and the amount, with costs, awarded by such Justice or Magistrate, shall be recovered from the party against whom the award is made, in the same manner as fines levied under the provisions of Act II. 1839.

XLI. Every person having the charge or command of any Vessel sailing under this Act shall be deemed to be the Master of such Vessel, within

within the meaning of this Act, and every other person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board, except as Surgeon, shall be deemed to be a Seaman, within the meaning of this Act; and the term "Owner" shall be deemed to comprehend all the several persons, if more than one, to whom the Vessel belongs, and the term "Agent" shall be deemed to comprehend all the several persons, if more than one, who are Agents of the "Owner."

SCHEDULE (A.)

An Agreement made pursuant to an Act passed by the Governor General of India in Council and numbered No. XXVIII. of 1850, between the Master of the Ship of the Port of and of the burden of Tons, and the several persons whose names are set hereto on behalf of themselves and others shipped on board the said Ship within the territories under the Government of the East India Company.

It is agreed by, and on the part of the said persons, and they severally hereby engage to serve on board the said Ship in the several capacities against their respective names expressed [or from the day of to the day of both inclusive] *(where the intended voyage is to be described as nearly as can be done and the places at which it is intended the Ship shall touch, or, if that cannot be done, the nature of the voyage in which she is to be employed;)* and the said Crew further engage to conduct themselves in an orderly, faithful, honest, careful and sober manner, and to be, at all times, diligent to their respective duties and stations, and to be obedient to the lawful commands of the Master, in every thing relating to the said Ship, and the Materials, Stores and Cargo thereof, whether on board such Ship, in boats or on shore, in consideration of which services, to be duly, honestly, carefully and

and faithfully performed, the said Master doth hereby promise and agree to pay to the said Crew, by way of compensation or wages, the amount against their names respectively expressed. And it is hereby agreed, that any embezzlement, or wilful or careless loss or destruction of any part of the Ship's Cargo or Stores, shall be made good to the Owner out of the wages (so far as they will go) of the Seaman guilty of the same; and if any Seaman shall have entered himself as qualified for a duty for which he shall prove unfit, he shall be liable to a reduction of the rate of wages hereby agreed for, in proportion to his unfitness. In witness whereof the said parties have hereto set their names, on the days against their respective signatures mentioned.

No. and date of Ship's Register.	Place and time of Entry.			Men's names set forth at full length.	Number of Register Ticket.	Name of the Ship in which the Seaman last served.	Age.	Town or Country, where born or place of birth.	Caste or profession.	Amount of Wages per calendar month, Share or Voyage.	Amount of Wages advanced at time of Entry.	Amount of monthly allotment.	Quantity and quality of Provisions per day.	Signature.	Witnesses' signature.
	Day.	Month.	Year.												

hereby declare the truth of all the particulars set forth in this Agreement made at the Port of ( )

this day of 18 .

Master.

Mate.

SCHEDULE (B.)

ACT No. XXVIII. OF 1850.

SCHEDULE (B.)

Ticket of allotment of wages by a registered Seaman at the Port of I registered Number now serving as on board the Vessel at monthly wages of Rupees, hereby authorize and request the Registrar of Seamen at to receive from the Agents of the one-third of my monthly wages as they become due, after I shall have served the time for which I have received advance, which time will expire on the day of next, and I hereby authorize the Registrar to pay the same to my or the person holding this paper, taking his or their receipt, monthly, on the back hereof.

Calcutta, 1850 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXIX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 2nd August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to amend Act XXXI. 1838 *for the Prevention of Poisoning.*

FOR amendment of Act XXXI. 1838, relating to the administration of poison, or other deleterious substance, It is enacted as follows:

I. Whoever shall wilfully and maliciously administer to, or cause to be taken by any person, any poison, or any stupifying, or intoxicating drug, or any unwholesome thing, with intent in any of the cases aforesaid to do any permanent, or temporary bodily harm to such person, or with intent to commit, or abet the commission of any unlawful act, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct, for life, or for any term of years, or to be imprisoned for any term not exceeding four years.

II. In any case in which any person shall be charged with administering to, or causing to be taken by any other person any poison, or other destructive thing with intent to commit murder, and the offence proved shall amount only to an offence under this Act, he may be punished as if he had been charged with an offence under this Act.

III. This Act shall be construed with and as part of Act XXXI. 1838.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to remove doubts on the Construction of Act I. 1846, *and Act IV.* 1850.

WHEREAS doubts have been entertained whether or not the operation of Act I. 1846, Section VIII., and of Act IV. 1850, Section I., is retrospective, It is declared and enacted as follows:

I. The provisions of Act I. 1846 shall not be deemed to apply to private agreements between parties and their pleaders made before the passing of the said Act.

II. The time allowed for the presentation of petitions of regular appeal in cases appealable to the Sudder Court, in cases decided before the passing of Act IV. 1850, is three months, instead of six weeks, as provided for the future by the last mentioned Act: and all appeals filed before the passing of this Act in such cases within the said term of three months shall be taken to have been presented in due time, and shall be subject to all the forms and rules in force previous to the passing of Act IV. 1850.

III. The

III. The notice, required by Section II. of the last mentioned Act to be given in writing to the appellant, may be given by a notice to be affixed in the Court House of the Sudder Dewanny Adawlut, or in such form and manner as the Court shall order, by a rule to be framed under Act XVII. 1841.

IV. Act IV. of 1850 shall not affect appeals by Paupers, which shall be preferred in all respects as heretofore, excepting that the specific objections to the judgment and detailed reasons for preferring the appeal, may be presented within three months instead of six weeks from the date of permission to appeal as a Pauper.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 9th of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for protecting the Salt Revenue in Bombay.

WHEREAS it is expedient to provide for the better protection of the salt excise revenue, and to bring under control the right of opening or continuing salt works within the Presidency of Bombay, it is enacted as follows:

I. A duty of customs shall be levied on salt, passing by land into or out of foreign European Settlements, or Territories declared to be foreign under Section VIII. Act I. 1838, at the same rate as the excise duty leviable on salt within the territories subject to the Presidency of Bombay.

II. The said duty of customs shall be levied in the same manner, and under the same rules and restrictions, and subject to the same penalties, as is prescribed for the levy of duties of customs on goods imported and exported by land by Act I. 1838.

III. Any person who shall be concerned in passing salt, either by land or sea, contrary to the provisions of this or any other Act, shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding five hundred Rupees, or both.

IV. All salt passed, or attempted to be passed or removed, contrary to the provisions of this or any other Act, and all vessels, carriages and

and animals used in so passing or removing such salt, and the contents of any package in which such salt may be concealed, shall be liable to confiscation at the discretion of the Governor of Bombay in Council, but may be redeemed on payment of such fine as the Governor in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may think reasonable.

V. The Governor of Bombay in Council, or any Officer or Officers of the Revenue Department to whom the Governor in Council shall think fit, from time to time, to delegate this power, may reward informers and other persons through whose means any seizure of salt is made under this or any other Act, out of the proceeds of any such confiscation or of the fine paid in redemption thereof.

VI. No new salt works shall be established, and no old works not in use at the time of passing this Act, or which shall hereafter be abandoned during three consecutive seasons, shall be re-opened, within the territories subject to the Presidency of Bombay, without the permission of the Governor of Bombay in Council; and any person who shall infringe these prohibitions shall be punishable with imprisonment for a term not exceeding three months, or fine not exceeding five hundred Rupees, or both.

VII. The Governor of Bombay in Council may at his discretion suppress any salt work which, on an average of any three years, does not produce yearly at least five thousand Indian maunds of salt.

VIII. Sec. VII. Act XXVII. 1837, shall be applicable to any tracts of country where salt is found.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

BENGAL SECRETARIAT LIBRARY

ACT No. XXXII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council, on the 16th of August 1850, with the assent of the Most Noble the Governor General of India.

An Act to repeal Act XV. 1836.

WHEREAS the reasons for which Subathoo and the other territories annexed thereto were placed under the control in civil cases of the Court of Sudder Dewanny Adawlut, then at Allahabad and now at Agra, no longer exist, It is enacted as follows:

I. Act XV. 1836 is repealed; except as to all cases and proceedings which at the time of the passing of this Act shall be under consideration by the said Court, which shall be decided, and the orders passed thereon shall be executed, as if this Act had not passed.

Calcutta, 1850.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 23rd of August 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for amending the forms necessary for the sale of Putnee Tenures in Bengal.

WHEREAS by Clause 2, Section VIII. Regulation VIII. 1819, of the Bengal Code, it is provided that Zemindars shall be entitled in certain cases to apply for the sale of putnee tenures on which the right of sale for an arrear of rent is reserved, by presenting a petition to the Civil Court of the district, and a similar one to the Collector, and whereas the petition to the Civil Court has not been presented previous to many of such sales, and it is not necessary for protection of the putneedar, It is enacted as follows:

I. After the passing of this Act, it shall not be necessary for the Zemindar in any such case to present a petition to the Civil Court, but a petition to the Collector shall be sufficient.

II. All sales of putnee tenures before the passing of this Act, which were held without presenting such petition to the Civil Court, and for the reversal of which no suit was commenced before the Fourth day of April

April in the year 1850, shall be deemed as valid as if such petition to the Civil Court had been presented.

III. Every putneedar whose tenure shall have been sold before the passing of this Act without such petition having been presented to the Civil Court, and the sale of which is hereby declared valid, shall be entitled to recover in a suit against the Zemindar or person at whose instance the sale has been effected, or his representatives, the amount of any actual loss or damage sustained by such putneedar, by reason only of such sale having been made without the presentation of such petition to the Civil Court.

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Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 23rd of August 1850, with the assent of the Most Noble the Governor General of India.

An Act for the better Custody of State Prisoners.

WHEREAS doubts have been entertained whether State Prisoners confined under Regulation III. 1818, of the Bengal Code, can be lawfully detained in any fortress, gaol, or other place, within the limits of jurisdiction of any of the Supreme Courts of Judicature, established by Royal Charter, and it is expedient that such doubts be removed, and the powers of the said Regulation extended to all the territories under the Government of the East India Company, It is enacted as follows:

I. The warrant of commitment of any State Prisoner, under Regulation III. 1818, of the Bengal Code, may be directed to the Sheriff of the gaol of any of the Supreme Courts of Judicature established by Royal Charter in the said territories, or to the Commandant of any fortress, or to the Officer in charge of any gaol or other place, in which it is deemed expedient that such State Prisoner be confined, in any part of the said territories; and such warrant shall be sufficient authority for

for the detention of such State Prisoner in the fortress, gaol or other place mentioned in the warrant.

II. Regulation III. 1818, of the Bengal Code, shall be extended and applied to every Sheriff, Commandant or Officer, having any State Prisoner in custody, under the said Regulation, as explained and extended by this Act.

III. Any State Prisoner, now confined under any such warrant within the jurisdiction of any of the said Supreme Courts, under the warrant of the Governor General in Council, shall be deemed to have been lawfully committed thereunto.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT XXXIV OF 1850. (STATE PRISONERS.)

	Section 3 is repealed	...	...	...	Act XII of 1891.

ACT No. XXXV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 6th of September 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for regulating the Bombay Ferries.

WHEREAS it is expedient to regulate the Public Ferries within the territories subject to the Presidency of Bombay, It is enacted as follows:

I. The Governor of Bombay in Council may declare by Proclamation what Ferries within any part of the territories subject to the Presidency of Bombay, shall be deemed Public Ferries, and at any time hereafter, by a like Proclamation, may establish new Ferries where they are needed, and, from time to time, change the course of any Public Ferry, or discontinue any Public Ferry that is deemed unnecessary.

II. Tolls according to such rates as shall, from time to time, be settled or approved by the Governor of Bombay in Council, shall be levied upon all passengers, carts, carriages, cattle and other animals, and on all goods and merchandise carried over any Public Ferry.

III. No tolls shall be leviable from any body of Soldiery on their march.

IV. Boats

IV. Boats shall be provided under the authority of the Governor of Bombay in Council for each Public Ferry, and Tindals, Boatmen and other persons shall be appointed for their due navigation.

V. At every Public Ferry-station a Toll-keeper shall be appointed with a sufficient Establishment, whose duty it shall be to take the lawful tolls.

VI. A Table of Tolls, written or printed in the English and Native Languages, shall be hung up in some conspicuous place at every Ferry-station, so as to be easily read by all persons crossing the Ferry.

VII. Every Toll-keeper, who shall neglect to hang up and keep in good order and repair such Table of Tolls, or who shall wilfully remove, alter, or deface the same, or allow it to become illegible, shall be liable to a penalty not exceeding Ten Rupees.

VIII. Every Toll-keeper, who shall ask or take any toll other than is allowed by the Table of Tolls, or who shall wilfully delay any passenger, cart, carriage, animal or goods, shall be liable to a penalty not exceeding Fifty Rupees.

IX. Every person crossing at any such Public Ferry, who shall refuse to pay the toll, or who, with intent of avoiding payment thereof, shall fraudulently or forcibly pass by or through any Toll-station without paying the toll, or who shall obstruct any Toll-keeper or any of his Assistants, in any way in the execution of their duty under this Act, and also every person who shall maliciously damage any Toll-bar, Boat, or any other thing employed in or about any Public Ferry, or who shall maliciously remove, alter, destroy or damage any Table of Tolls hung up as hereinbefore directed, shall be liable to a penalty not exceeding Fifty

Fifty Rupees, over and above the value of the damage which he has done.

X. All Public Ferry-boats shall be numbered and registered as the Governor of Bombay in Council shall direct, and the names of all Tindals, or persons placed in charge thereof, and of all Toll-keepers, shall likewise be so registered.

XI. The Magistrate of every Zillah in which there shall be a Public Ferry, and any Magistrate of Police of Bombay, whom the Governor of Bombay in Council may appoint for such purpose within their respective jurisdictions, shall make Rules, subject to confirmation by the Governor in Council, fixing the number of passengers, carts, carriages and animals, and the quantity of goods that may be carried in any public Ferry-boat at one trip, and for the safe and convenient carriage of passengers and property, and for keeping the Ferry-boats in good order, and otherwise for the due discharge of their duty by all Tindals, Toll-keepers and other persons employed at any Public Ferry, and any Tindal, Toll-keeper or other person infringing or disobeying any such Rule, shall be liable to make good any loss or damage which shall have been caused thereby, which may be summarily ascertained by any Magistrate within whose jurisdiction the offence was committed, and the amount thereof may be recovered as any penalty under this Act may be recovered.

XII. The Governor of Bombay in Council may lease any Public Ferry by public auction, or private contract, from year to year, or any longer period not exceeding seven years, on such conditions as he deems advisable, in which case a contract setting forth the conditions on which the Ferry is to be held, shall be executed by the Contractor or Farmer, and security shall by him be given for its due fulfilment.

XIII. The

XIII. The Ferry-boat at any Public Ferry which shall be established between the Island of Bombay and the Main-land, and adjacent Islands, shall cross each way at least once daily unless hindered by stress of weather or other unavoidable accident.

XIV. Every person who, without the special licence of the Governor of Bombay in Council, shall convey for hire any passenger, animal, cart, carriage or goods, from any part of the Islands of Bombay and Colaba across the Harbour of Bombay to the Main-land, or to any of the adjacent Islands, shall be liable to a penalty not exceeding Five Hundred Rupees; but this penalty shall not apply to the carriage for hire of passengers, animals, carts, carriages and goods from one part of the Islands of Bombay and Colaba to another part of either of the said Islands, nor to any person specially hiring any boat for the carriage of himself and family, or friends with their goods and servants across the Harbour of Bombay to the Main-land, or any of the adjoining Islands, nor to the person letting any boat to hire for such purpose.

XV. Every person who shall convey for hire any passenger, animal, cart, carriage or goods across any other arm of the sea, creek or river within the said Presidency, to any point or place on the opposite bank or coast within a distance of three miles on either side above or below any Public Ferry, without the special licence of a Magistrate of the Zillah or Town in which the Ferry is situated, shall be liable to a penalty not exceeding Five Hundred Rupees.

XVI. All offences against this Act shall be summarily heard and determined by the Magistrate of the Zillah within the limits of which the same shall have been committed, and if within the limits of the jurisdiction of the Supreme Court of Bombay by any Magistrate of Police of Bombay. All penalties shall be recovered in the manner directed

directed for the recovery of the fines specified in Clauses 1, 2 and 3, Section XIV., Regulation XIX. 1827, of the Bombay Code.

XVII. All tolls payable on account of any Public Ferry, and all rent payable on account of such of them as are farmed, and all penalties for offences against this Act, shall form a general Fund, which shall be applied, in the first instance, toward the expenses necessary for keeping up all the Ferries throughout the Presidency of Bombay, and the residue, if any, shall be applied under the directions of the Governor of Bombay in Council, in the improvement of the public roads, ways, thoroughfares, leading to and from any of the said Ferries.

XVIII. The Governor of Bombay in Council may appoint such Officers and other persons as shall be necessary for carrying this Act into execution, with such salaries as the Governor General of India in Council shall approve, to be paid out of the Fund produced by the Tolls and Fines as provided by this Act, and the Governor of Bombay in Council may, from time to time, delegate any of the powers conferred on him by this Act to any Magistrate or other person as he thinks fit.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXVI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 4th October 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to amend the 113*th Article of War for the Native Army.*

WHEREAS it is expedient that Native Soldiers, when imprisoned, should be treated as European Soldiers are in the like case, as respects subsistence and clothing, It is enacted as follows:

I. From and after the First day of December 1850, so much of the 113th Article of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company as provides for the forfeiture of allowances, and the subsistence of such Officers and Soldiers, when in imprisonment under the sentence of any Court Martial or of any Court of Criminal Judicature, is repealed.

II. From and after the said First day of December 1850, no Native Officer, or Soldier, or Public Follower in the Military Service of the East India Company shall be entitled to pay or allowances, when imprisoned under the sentence of a Court Martial or a commuted sentence, or under the sentence of a Court of Criminal Judicature; but shall be clothed and subsisted at such rates, or in such manner, as the Governor General of India in Council may from time to time order.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

An Act to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*).

WHEREAS it is expedient to amend Act XXXVII of 1850 (*for regulating Inquiries into the behaviour of Public Servants*); It is hereby enacted as follows:—

1. The said Act XXXVII of 1850 may be called the Public Servants (Inquiries) Act, 1850. Title of Act XXXVII, 1850.

2. In the preamble to the said Act, after the word "removable" the words "from their appointments" shall be inserted, and for the words "the East India Company" the word "India" shall be substituted. Amendment of preamble to Act XXXVII, 1850.

3. In section 2 of the said Act, for the words "the East India Company, not removable from his office without the sanction of the same Government," the words "the Government, not removable from his appointment without the sanction of the Government," shall be substituted. Amendment of section 2, Act XXXVII, 1850.

ACT No. XXXVII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 1st November 1850, with the assent of the Most Noble the Governor General of India.

For regulating Inquiries into the behaviour of Public Servants.

WHEREAS it is expedient to amend the law for regulating inquiries into the behaviour of public servants not removable without the sanction of Government, and to make the same uniform throughout the territories under the Government of ~~the East~~ India ~~Company~~, It is enacted as follows:

I. The following Acts VI. 1838, XXVI. 1839, and XIII. 1843 are repealed, but not so as to revive any Act or Regulation, or part of any Act or Regulation thereby repealed.

II. Whenever the Government shall be of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour by any person in the service of ~~the East India Company~~ not removable from his Office ~~without the sanction of the same Government~~, it shall cause the substance of the imputations to be

be drawn into distinct Articles of Charge, and shall order a formal and public inquiry to be made into the truth thereof.

III. The inquiry may be committed either to the Court, Board or other authority to which the person accused is subordinate, or to any other person or persons, to be specially appointed by the Government, Commissioners for the purpose: notice of which Commission shall be given to the person accused ten days at least before the beginning of the inquiry.

IV. When the Government shall think fit to conduct the prosecution, it shall nominate some person to conduct the same on its behalf.

V. When the charge shall be brought by an accuser, the Government shall require the accusation to be reduced to writing, and verified by the oath or solemn affirmation of the accuser, and every person who shall wilfully and maliciously make any false accusation under this Act, upon such oath or affirmation, shall be liable to the penalties of perjury: but this enactment shall not be construed to prevent the Government from instituting any inquiry which it shall think fit, without such accusation on oath or solemn affirmation as aforesaid.

VI. Where the imputations shall have been made by an accuser, and the Government shall think fit to leave to him the conduct of the prosecution, the Government before appointing the Commission shall require him to furnish reasonable security that he will attend and prosecute the charge thoroughly and effectually, and also will be forthcoming to answer any counter-charge or action which may be afterwards brought against him for malicious prosecution or perjury or subornation of perjury, as the case may be.

VII. At

VII. At any subsequent stage of the proceedings, the Government may, if it think fit, abandon the prosecution, and in such case may, if it think fit, on the application of the accuser, allow him to continue the prosecution, if he is desirous of so doing, on his furnishing such security as is hereinbefore mentioned.

VIII. The Commissioners shall have the same power of punishing contempts and obstructions to their proceedings, as is given to Civil and Criminal Courts by Act XXX. 1841, and shall have the same powers for the summons of witnesses, and for compelling the production of documents, and for the discharge of their duty under the Commission, and shall be entitled to the same protection as the Zillah and City Judges, except that all process to cause the attendance of witnesses, or other compulsory process, shall be served through and executed by the Zillah or City Judge in whose jurisdiction the witness or other person resides, on whom the process is to be served, and if he resides within Calcutta, Madras or Bombay, then through the Supreme Court of Judicature there. When the Commission has been issued to a Court, or other person or persons having power to issue such process in the exercise of their ordinary authority, they may also use all such power for the purposes of the Commission.

IX. All persons disobeying any lawful process issued as aforesaid for the purposes of the Commission shall be liable to the same penalties, as if the same had issued originally from the Court or other authority through whom it is executed.

X. A copy of the Articles of Charge, and list of the documents and witnesses by which each charge is to be sustained shall be delivered to the person accused, at least three days before the beginning of the inquiry,

inquiry, exclusive of the day of delivery, and the first day of the inquiry.

XI. At the beginning of the inquiry, the prosecutor shall exhibit the Articles of Charge to the Commissioners, which shall be openly read, and the person accused shall thereupon be required to plead 'guilty' or 'not guilty' to each of them, which pleas shall be forthwith recorded with the Articles of Charge. If the person accused refuses, or without reasonable cause neglects to appear to answer the charge either personally or by his Counsel or Agent, he shall be taken to admit the truth of the Articles of Charge.

XII. The prosecutor shall then be entitled to address the Commissioners in explanation of the Articles of Charge, and of the evidence by which they are to be proved: his address shall not be recorded.

XIII. The oral and documentary evidence for the prosecution shall then be exhibited: the witnesses shall be examined by or on behalf of the prosecutor, and may be cross-examined by or on behalf of the person accused. The prosecutor shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without leave of the Commissioners, who also may put such questions as they think fit.

XIV. If it shall appear necessary before the close of the case for the prosecution, the Commissioners may in their discretion allow the prosecutor to exhibit evidence not included in the list given to the person accused, or may themselves call for new evidence, and in such case the person accused shall be entitled to have, if he demand it, an adjournment of the proceedings for three clear days, before the exhibition of such

such new evidence exclusive of the day of adjournment and of the day to which the proceedings are adjourned.

XV. When the case for the prosecution is closed, the person accused shall be required to make his defence, orally or in writing, as he shall prefer. If made orally, it shall not be recorded; if made in writing, it shall be recorded, after being openly read, and in that case a copy shall be given at the same time to the prosecutor.

XVI. The evidence for the defence shall then be exhibited, and the witnesses examined, who shall be liable to cross-examination and re-examination and to examination by the Commissioners according to the like rules as the witnesses for the prosecution.

XVII. All witnesses, either for the prosecution or defence, shall be examined on oath, or, if exempt from taking an oath in Courts of Justice, on solemn affirmation, to be administered in either case by one of the Commissioners, and every witness so examined and wilfully giving false evidence on any material point shall be deemed guilty of and liable to the penalties of perjury. When the prosecution is not conducted on behalf of Government, the prosecutor may himself give evidence for the prosecution and may be examined for the defence.

XVIII. The Commissioners or some person appointed by them shall take notes in English of all the oral evidence, which shall be read aloud to each witness by whom the same was given, and if necessary explained to him in the language in which it was given, and shall be recorded with the proceedings.

XIX. If

XIX. If the person accused makes only an oral defence, and exhibits no evidence, the inquiry shall end with his defence; if he records a written defence, or exhibits evidence, the prosecutor shall be entitled to a general oral reply on the whole case, and may also exhibit evidence to contradict any evidence exhibited for the defence, in which case the person accused shall not be entitled to any adjournment of the proceedings, although such new evidence were not included in the list furnished to him.

XX. When the Commissioners shall be of opinion that the Articles of Charge, or any of them, are not drawn with sufficient clearness and precision, the Commissioners may, in their discretion, require the same to be amended, and may thereupon, on the application of the person accused, adjourn the inquiry for a reasonable time. The Commissioners may also, if they think fit, adjourn the inquiry from time to time, on the application of either the prosecutor or the person accused, on the ground of the sickness or unavoidable absence of any witness or other reasonable cause. When such application is made and refused, the Commissioners shall record the application, and their reasons for refusing to comply with it.

XXI. After the close of the inquiry, the Commissioners shall forthwith report to Government their proceedings under the Commission, and shall send with the record thereof their opinion upon each of the Articles of Charge separately, with such observations as they think fit on the whole case.

XXII. The Government, on consideration of the report of the Commissioners, may order them to take further evidence, or give further explanation of their opinions. It may also order additional Articles of Charge

4. For section 23 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 23, Act XXXVII, 1850.

"23. The powers of the Government under this Act may in all cases be exercised by the Governor General in Council, and when the person accused can be removed from his appointment by the Local Government, those powers may also be exercised by the Local Government."

Powers of Government under this Act by whom exercisable.

Charge to be framed, in which case the inquiry into the truth of such additional Articles shall be made in the same manner as is herein directed with respect to the original charges. When Special Commissioners have been appointed, the Government may also, if it thinks fit, refer the report of the Commissioners to the Court or other authority to which the person accused is subordinate, for their opinion on the case; and will finally pass such orders thereon as appear just and consistent with its powers in such cases.

XXIII. The word 'Government' as used in this Act means the Governor General in Council, the Governor or Deputy Governor of the Presidency of Fort William in Bengal, the Governor in Council of the Presidencies of Fort St. George and Bombay, respectively, and the Lieutenant Governor of the North-Western Provinces of Bengal, whose sanction is necessary for the removal of the person accused.

XXIV. Nothing in this Act shall be construed to repeal any Act or Regulation in force for the suspension or dismissal of Principal and other Sudder Ameens or of Deputy Magistrates or Deputy Collectors, but a Commission may be issued for the trial of any charge against any of the said Officers, under this Act, in any case in which the Government shall think it expedient.

XXV. Nothing in this Act shall be construed to affect the authority of Government, for suspending or removing any public servant for any cause without an inquiry under this Act.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXVIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 1st *November* 1850, *with the assent of the Most Noble the Governor General of India.*

An Act to allow Counsel to all persons on the trial of offences.

WHEREAS an Act of Parliament was passed in the seventh year of the reign of His late Majesty for enabling persons indicted of felony to make their defence by Counsel or Attorney, the provisions of which Act were enlarged and extended to Her Majesty's Courts of Justice in the Territories under the Government of the East India Company by Act XXII. 1839, and whereas it is just and reasonable that the like privilege be given to all persons on the trial of offences against the law, It is enacted as follows:

I. In all Courts and before all Magistrates, or persons exercising any of the powers of a Magistrate, under the authority of the East India Company, every person on trial for the commission of any offence shall be admitted to defend himself either personally or by his authorized agent, and, after the close of the case for the prosecution, to make full answer and defence thereto either personally or by his authorized agent.

II. The

II. The said Courts, Magistrates and persons, subject to such rules as shall be from time to time made for their guidance by the Nizámut or Fouzdaree Adawlut, may allow any prosecution to be conducted by an authorized agent.

III. In those Courts in which any person now has by law the right of employing whomsoever he can employ as Counsel or Pleader, nothing in this Act shall be deemed to restrict that right: in all other cases those persons only shall be deemed authorized agents within the meaning of this Act who are either Advocates of one of the Supreme Courts of Justice established by Royal Charter, or authorized Pleaders of the Civil Courts of the East India Company, or, by leave of the Court, Magistrate or other person before whom the prisoner is on trial, any other person who is employed by the prosecutor or prisoner as his agent.

IV. This Act shall not be deemed to dispense with the presence of any prosecutor or person on trial for the commission of any offence when the presence of such prosecutor or accused person is now by law required.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXXIX. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, *with the assent of the Most Noble the Governor General of India.*

To continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.

WHEREAS Act XVI. 1847, for constituting Commissioners for the Improvement of the Town of Calcutta has been found inconvenient and ineffectual for the intended purposes thereof, and it is expedient that the constitution of the said Commission be amended, and that in the meantime no new election of Commissioners be made in pursuance of the said Act, It is enacted as follows:

I. So much of Act XVI. 1847, as relates to the election and time of holding office of the Commissioners for the Improvement of the Town of Calcutta, is repealed.

II. The Commissioners for the Improvement of the Town of Calcutta as now constituted, with the addition of such Commissioners as may be added, from time to time, to supply vacancies among the Commissioners nominated by the Governor of Bengal, shall continue to be such Commissioners, and shall have and exercise all the powers entrusted to them under the said Act, or any other Act, until the First day of March 1851, or until other provision shall be made in that behalf by the Governor General of India in Council.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XL. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, with the assent of the Most Noble the Governor General of India.

An Act for Licencing Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS it is expedient to amend the Law regarding Pawnbrokers in the Settlements of Prince of Wales' Island, Singapore and Malacca, It is enacted as follows:

I. Regulation VII. 1830, passed by the Governor of Prince of Wales' Island, Singapore and Malacca in Council, and Regulation XI. 1833, of the Bengal Code, are repealed from and after the first day of May 1851, except as to convictions and the enforcement of penalties for contraventions of the said Regulations.

II. Every Pawnbroker shall take out a Licence from the Superintendent of Police of the station or place at which his Shop is situated, for the grant and registration of which a Fee shall be paid to the Superintendent of Police, on account of Government, of such amount as shall be from time to time fixed by the Governor of the Straits Settlements;

and

and every such Licence may be annulled, whenever the Superintendent of Police shall think fit.

III. No person shall exercise the trade of a Pawnbroker within the said Settlements, without a Licence; and every unlicenced person who shall take in pledge, or keep in deposit any Goods or Chattels as security for the loan of any sum of money under One Hundred and Fifty Dollars, shall forfeit for each offence a penalty not exceeding Fifty Dollars.

IV. Every Licenced Pawnbroker, who shall take any Goods or Chattels on pawn from any person, between sunset and sunrise on the following morning, shall forfeit a penalty not exceeding Fifty Dollars.

V. Every Licenced Pawnbroker, who shall knowingly take from any European or Native Soldier any article whatsoever, as a pawn, pledge or security for any sum of money lent or advanced to such Soldier, or who shall knowingly buy from any European or Native Soldier any article whatsoever, without an authority in writing in each case from the Commanding Officer of such Soldier, shall forfeit a penalty not exceeding Fifty Dollars.

VI. Every Licenced Pawnbroker, who shall take from any child, apparently under the age of fourteen years, any article whatsoever, as a pawn, pledge or security, for any sum of money lent or advanced to such child, or who shall buy from such child any article whatsoever, shall forfeit a penalty not exceeding Fifty Dollars.

VII. All Pawnbrokers are required to report to the Superintendent of Police of the station or place in which they severally reside, all cases

in

in which there is reason for them to suspect any person offering any article to be pawned of having unlawfully obtained possession thereof: and the said Pawnbrokers shall keep proper Registers in writing, specifying the nature and value of every article pawned; the name and dwelling-place of the person pawning the same; the date and the hour of the day in which the same was offered and taken in pawn; the amount lent and the time within which the same is to be repaid; and shall give a duplicate of the entry in such Registers to the person pawning the article respecting which the entry is made, and in default thereof shall forfeit a penalty not exceeding Fifty Dollars.

VIII. All such Registers shall be produced for inspection by the said Pawnbrokers, whenever they shall be thereto required by any Justice of the Peace, Superintendent of Police, or any Peace Officer; and any Pawnbroker failing to keep and produce his Registers when so required, shall forfeit his Licence, and also forfeit a penalty not exceeding Fifty Dollars.

IX. All penalties under this Act may be imposed on conviction of the offence by confession of the offender, or by the oath of one or more witnesses before two Justices of the Peace, and in case of non-payment of any pecuniary penalty forfeited under this Act, any two Justices may issue a warrant under their hands, directed to any Peace Officer, to levy the amount of such penalty by seizure and sale of any goods of the offender which may be found within the jurisdiction of such Justices; and if no such property shall be found, any Justice of the Peace, by warrant under his hand, may commit the offender either to the House of Correction or to Her Majesty's Gaol at the station where the conviction is had, for any period not exceeding four calendar months.

X. This Act shall take effect from and after the first day of May 1851.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLI. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 22nd November 1850, with the assent of the Most Noble the Governor General of India.

An Act to prevent the landing and leaving of decrepit Beggars, in the Settlements of Prince of Wales' Island, Singapore and Malacca.

WHEREAS much public inconvenience has arisen by Masters of Ships and Nakodas of Junks and other Vessels landing and leaving in the Settlements of Prince of Wales' Island, Singapore and Malacca, diseased, maimed, blind and decrepit persons, who afterwards beg for subsistence in the public streets, It is enacted as follows:

I. From the first day of January 1851, all Captains, Commanders, Masters or Nakodas of Ships, Junks, Topes, Boats, Prahus or other Vessels, who shall bring, and land, or cause to be brought and landed in any part of the Settlements of Prince of Wales' Island, Singapore and Malacca, or in any of the places now or hereafter to be subordinate or annexed thereto respectively, without leave of the Superintendent of Police of such place, any diseased, maimed, blind or decrepit person, not having the means of subsistence, and who may be hindered by his or her diseased, blind or disabled state from earning a livelihood, shall, on conviction before two Justices of the Peace, be liable for every such offence, to

pay

pay a fine not exceeding One Hundred Dollars, and in default of payment, to be imprisoned for any period not exceeding two calendar months.

II. Any two Justices, upon the complaint of the Superintendent or other Officer of Police, that any such person, who has not resided one month in the Settlement, has been found begging, or has become chargeable to the Settlement, may cause such person to be brought before them, and may examine such person and any other witnesses on oath or solemn affirmation touching the place from which he or she was brought to the said Settlement, and may cause any such person to be removed to the place from which he or she was so brought in such manner as shall be from time to time directed by the Governor of the said Settlements, and the reasonable cost of such removal shall be borne and paid by the Master of the Vessel by whom such person was brought to the Settlement, and may be sued for and recovered as so much money due from him to the East India Company, and paid by the Company on his account.

III. The Captain, Commander, Master or Nakoda of every such Vessel shall, within twenty-four hours of the arrival of the Vessel at any one of the said Settlements, deliver to the Master Attendant of the Port a true list of all the passengers embarked on board of his Vessel at the time of such arrival, specifying the name, nation and rank or condition in life of each; and every such Captain, Commander, Master or Nakoda who, without reasonable excuse, shall neglect to deliver such list within the appointed time, or wilfully make out or deliver a list which is false or incomplete in any respect, shall, on conviction before two Justices of the Peace, be liable to pay a fine not exceeding Five Hundred Dollars, and in default of payment, to be imprisoned for any term not exceeding three calendar months.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 20th December 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for giving additional facilities for Public Works in Bengal.

WHEREAS, by Regulation I. 1824, of the Bengal Code, power was given for taking any land in the territories subject to the Presidency of Fort William in Bengal, which is needed for any public purpose, according to the forms therein prescribed, but it is expedient for hindering needless delay in making the Railway about to be constructed in the said Presidency under the sanction of Government, and also in any other public work that more summary power should in certain cases be given for gaining immediate possession of the land needed for such public work.

It is declared and enacted as follows:

I. Any Railway made in the said territories under the sanction of Government, is a public work within the meaning of the said Regulation.

II. The persons employed in any public work, with their servants and workmen, may enter upon any land for surveying the ground, and in the

the case of a road, canal or railway for setting out the intended line thereof, and in the case of any intended road, canal or railway may mark the intended line by cutting a trench or placing landmarks along the line, and where otherwise the survey cannot be completed, and the line marked, may, with the sanction of the Government or of any officer appointed by Government for this purpose, cut down and clear away any part of any jungle or tope of trees in the direction of the intended line. Provided that no person shall enter the curtilage of any house under colour of this Act without consent of the occupier, unless between sunrise and sunset, and after due notice given to such occupier.

III. It shall be the duty of the officer so appointed by the Government to take account of all necessary damage done as aforesaid, that it may be allowed for, in awarding compensation to the owners and occupiers of land.

IV. Whoever wilfully obstructs any person in lawfully setting out the line of any road, canal, or railway, or wilfully destroys, damages, or displaces any such landmark, or effaces, or fills any such trench, shall be liable to be imprisoned for any term not exceeding six months, and also to fine not exceeding two hundred Rupees.

V. Whenever the said officer shall have recorded his opinion that the land in dispute is needed immediately for the purpose of the public work, he shall be empowered to take immediate possession thereof on behalf of the Government, leaving the amount and distribution of the consideration to be paid for it, if not agreed to by private bargain to be afterwards ascertained according to the said Regulation, and such possession may be enforced and the obstruction of it punished in like manner as if the land so taken had been sold in execution of the decree of a Civil

Civil Court: and all Collectors, Magistrates and other officers shall, if necessary, give the like aid as they would be bound to give for enforcing the speedy and complete execution of any such decree.

VI. If the said officer is opposed or impeded in taking immediate possession of such land as in his opinion is immediately needed, he shall apply to the Magistrate of the district, who shall enforce the surrender of the land.

VII. The powers of the said Regulation and of this Act shall extend in the case of any road, canal or railway, to authorize the temporary occupation of any land not more than one hundred yards from the centre line of the road, canal or railway as marked on the ground, for taking earth or other materials for making or repairing the road, canal or railway, or for depositing thereon superfluous earth or other materials, or erecting temporary buildings and workshops thereon, or any land which may be needed for making temporary roads from any public road to the intended line of railway; and for the temporary occupation of any such land, and for any permanent damage done by such occupation and use of the land, including the full value of all clay, stone, gravel, sand and other materials taken thence, compensation shall be paid to and among all persons having an interest therein, to be ascertained in case of disagreement in the same manner as compensation for land permanently taken.

VIII. The local Government, if it thinks fit, may empower any such officer to execute any award made under the said Regulation, and to do all things necessary for completing the business, of taking and paying for the said land, and for settling all disputes concerning it, without sending any report to the local Government.

IX. In

IX. In every case in which any land has been or shall be taken by the Government for any public work, otherwise than according to the said Regulation, such land after the lapse of five years, without any claim preferred for the recovery thereof in any competent Court, or under the said Regulation I. 1824, or this Act, shall vest absolutely in the East India Company, freed and discharge from all other claims thereunto.

X. The said term of five years shall be reckoned from the date of this Act, in the case of land heretofore taken, and in the case of land hereafter taken from the time of taking possession thereof.

XI. If within the said term of five years any suit is begun upon which final judgment shall be obtained establishing the right of the plaintiff to any interest in any such land, then, instead of the said land, there shall be paid to the person obtaining such judgment the value of his interest in the said land, at the time when possession thereof was taken, with interest thereon at the usual and lawful rate, to be ascertained and settled in case of dispute by arbitration in the manner described for disputed claims by the said Regulation.

Calcutta, 1850:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XLIII. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for the Regulation of Registered Joint Stock Companies.

FOR the Regulation of Joint Stock Companies Registered under this Act, it is enacted as follows:

I. Every unincorporated Company of partners, associated under a deed containing a provision, that the shares in the stock or business of the said Company are transferable without the consent of all the partners, and also every Company established for some literary, scientific or charitable purpose, which does not carry on any business for the pecuniary benefit of any of the proprietors or shareholders, shall be entitled to registration under this Act.

II. The Supreme Courts of Judicature at Calcutta, Madras, or Bombay may, on such petition as is hereinafter mentioned of any persons desiring to register the Company to which they belong, order the registration of such Company; and thereupon such Company shall be duly registered in the said Court, and deemed a registered Company within the meaning of this Act.

III. Every

III. Every petition for the registration of any Company under this Act shall be filed in the Court to which it is presented, with the deed, or a copy of the deed of partnership of the Company, and a list of the Directors and Shareholders of the Company, severally verified by affidavit of the Secretary, or Manager, or principal or other servant of the Company, intended to be a Registered Officer of the Company within the Presidency in which the petitioners shall apply for registration; and such petition shall set forth the following particulars, that is to say:

First.—The names and additions of all those who are at that time partners of the Company, and their usual places of residence; and, when any Company, which has carried on its business before registration, shall be admitted to the privileges of this Act, a separate memorial of the names and additions and last known place of abode of all persons who, within three years next before the presentation of the petition, were partners thereof.

Second.—The style under which the Company is to carry on its business.

Third.—The names of the principal places, within the Presidency in which they seek to be registered, where the business is to be carried on.

Fourth.—The amount of capital stock and of any proposed addition thereto, and if consisting of money how much is paid up, and if other than money, the nature of such capital stock, and in all cases how invested, and if separate provision is made for working capital, the amount thereof, and how much of it is paid up.

Fifth.—The

Fifth.—The number of shares into which the capital stock has been, or is to be divided.

IV. Before the registration of any Company, which has carried on its business before registration under a deed of partnership, not containing any provision for registration of the Company under this Act, the Directors shall call a special meeting of the Shareholders for the purpose of resolving that the Company shall be registered under this Act, to be held at a place and time to be mentioned in the notice of meeting; and such notice, beside being given to the partners in the manner provided in the deed of partnership for notice of special meetings, shall be published in the *Government Gazette,* and in at least one other newspaper circulating within the Presidency, and the time of holding such meeting shall be not sooner than three months and not later than four months after the first of such publications.

V. One-half in number of the Shareholders assembled either personally, or by their lawfully constituted attornies at such meeting, owing at least one-half of the whole number of shares owned by all the Shareholders so present, may resolve that the Company shall be registered under this Act, and such resolution so carried shall be binding on the whole Company.

VI. The petition for registration in such case shall contain, beside the other particulars herein mentioned, statements of the notice and publication thereof, of the holding of the meeting, and of the several numbers of Shareholders and shares held by them collectively, who were present at the meeting, and who voted in favor of the resolution respectively, and shall state that the petition is presented upon such resolution.

VII. No

VII. No Company shall be disqualified for registration by reason of any outstanding loan to any Director, or by reason of any Director being a surety, or under any other pecuniary engagement to the Company: but any Director having such loan or being such surety or under such engagement shall, by the fact of the registration of the Company, cease to be a Director, unless the loan or other engagement be such as is authorised by this Act.

VIII. Every registered Company shall be subject to the following regulations, notwithstanding any provisions in their deed of partnership varying therefrom; and the Supreme Court, in which the Company shall be registered, shall have authority, on the petition of any Shareholder, to enforce the same, and from time to time, to make any order or orders in respect of any breach or neglect thereof as to such Court shall seem meet.

First.—Every registered Company shall hold one or more ordinary general meetings of the Company in every year, at such times and places as are appointed by the deed of partnership, or in default thereof, as the Supreme Court, in which such Company is registered, shall in the order for registration appoint, subject to variation by any subsequent order or orders of such Court.

Second.—Every registered Company shall, from time to time, hold an extraordinary general meeting whenever seven Shareholders, or any greater number may require it, by notice in writing under their hands, to be delivered to a Registered Officer of the Company, or, if he cannot be found, to any other servant of the Company, at one of their usual places of business.

Third.—No

Third.—No registered Company shall purchase its own shares or make any loan of money or securities for money to any person or persons, on the security of a share or shares in the partnership or business; and every such purchase or loan shall be a breach of trust within the meaning of all laws now in force, or hereafter to be in force relating to breaches of trust by agents or trustees misappropriating money or property.

Fourth.—No registered Company shall make any loan of money or securities for money to any Director or Registered Officer of such Company, or to any member of a Local Committee at any Branch or Agency, except only in the case of Banking Companies, to such limited amount, and on such securities as shall be sanctioned by the deed, or, from time to time, by a general meeting of the Shareholders of such Banking Company; and every such transaction, except as aforesaid, shall be a like breach of trust: And the particulars of every loan made to any Director or Registered Officer of such Company shall be reported to the next general meeting of Shareholders, with a statement and specification of the several securities on which such loans were advanced.

Fifth.—No Director or Member of a Local Committee at any Branch or Agency, or Registered Officer, shall become a security or guarantee for any person in any loan or other transaction with the Company, nor shall he, in any way, incur liability to the Company uncovered by such security as is sanctioned by the deed of partnership.

Sixth.—The accounts of every registered Company shall be audited half yearly or oftener, by two or more Auditors, chosen at a general meeting of the Shareholders, none of the Auditors being a Director or Registered Officer at the time.

 Seventh.—A

Seventh.—A copy of the Auditor's report (if any) and balance sheet and a separate profit and loss account, and a capital account shewing the amount of the capital, and how invested, and the estimated value thereof, verified by affidavit of the same being made to the best of their knowledge and belief, as often as the accounts are audited, shall be filed in the Court, in which the Company is registered, and a written or printed copy of the said report, balance sheet, and accounts, shall be delivered to every Shareholder who shall demand it, or sent by the General Post Office to the place where he may, from time to time, require delivery thereof.

IX. The Court in which the Company is registered may, on the petition of any Shareholder, enforce the performance by the Directors of any of their duties under this Act, or of the deed of partnership, which it may appear just to enforce in a summary manner, after due notice given to such Directors; and disobedience to any order of the Court in this behalf shall be deemed a contempt of Court, and shall be punishable accordingly.

X. Within one week before or after the first day of January and first day of July, in every year after the registry of the said Company, a memorial shall be filed in the Court, in which such Company is registered, setting forth in alphabetical order, the names of all the partners, with their several additions, places of abode, and the number of shares belonging to each, and the names of the Directors of the Company, and also the names of the servants of the Company to be deemed the Registered Officers within the Presidency in which such Court is situated; and, as often as a change in the Direction or of any Registered Officer shall take place by death, resignation, disqualification, or otherwise, a memorial of such change shall be forthwith filed in the Supreme Court.

XI. When

XI. When any share is held by two or more persons the name, addition, and place of abode of every such person shall be separately entered in every such memorial, and each of such persons shall be considered as jointly and separately liable for the engagements of the Company on account of such share; unless when such share belongs to any other Registered Company, in which case the name of such Company shall be entered in the memorial instead of the names of the partners thereof.

XII. The several memorials shall be signed by two or more of the Directors of the Company, and verified by affidavit of one of them before the Master of the Supreme Court or a Commissioner by the said Court appointed.

XIII. An office copy of any such registered deed, or copy thereof filed as aforesaid, or memorial or of any part thereof, issued under the seal of the Court, shall be received in evidence before all Courts, as proof of the contents thereof, and no proof shall be required that the persons by whom any such memorial purports to be verified were Directors of the Company.

XIV. The Keeper of the Records of the Supreme Court shall allow all persons, at reasonable times, to inspect any such deed, copy, or memorial, and shall furnish office copies of any such deed, copy, or memorial, or any part thereof, under the seal of the Court, to all persons applying for the same.

XV. Such fees shall be paid for registering every such deed and memorial, and for allowing inspection and furnishing copies thereof, or of any part thereof, as the Judges of the Supreme Court, with the approval

approval of the Governor or Governor in Council, from time to time, shall establish.

XVI. Subject to the provisions of the deed of partnership, every Shareholder in any such Registered Company may sell and transfer all or any of his shares therein by a deed according to the form in the Schedule annexed to this Act, or to the like effect, and the same, when duly executed, shall be delivered to a Registered Officer, who shall make an entry thereof in a book to be called the Register of Transfers, and shall endorse such entry on the deed of transfer, and deliver an acknowledgment of the receipt thereof to the purchaser, for which entry and endorsement the Company shall be entitled to have a fee not exceeding One Rupee; and until such transfer is so entered and endorsed the purchaser of the share shall not be entitled to receive any share of the profits of the business, or to vote in respect of such share.

XVII. No Shareholder shall be entitled to transfer any share until he has paid all calls at that time due on every share held by him.

XVIII. On the transfer of any share in a Registered Company being executed and notified in the manner required by the Deed of the Company and this Act, the party making or the party accepting such transfer may require a memorial thereof to be made forthwith, and filed with the memorial of the names of Shareholders of the Company; and in case such memorial shall not be made and filed within one month after such requisition, the Supreme Court shall on the petition of either of the said parties, and on notice being given to the Directors of the Company, order such memorial to be made and filed, in case the Court shall be satisfied of the validity of such transfer; and every such memorial of transfer shall be taken henceforth as part of the last general memorial.

XIX. No

XIX. No transfer shall be deemed complete, nor shall any Shareholder be discharged from any liability by the transfer of any share, until the memorial of such transfer shall have been filed as aforesaid, or until the purchaser has been substituted as a partner instead of the seller in one of the general half-yearly memorials, in respect of the share or shares so transferred; and no person shall be liable as a Shareholder by reason merely of having accepted such transfer, until such memorial of the transfer shall be filed, or until he is entered as a partner in one of the general half-yearly memorials.

XX. The Supreme Court in which any Company is registered may, on petition and on notice being given to the Directors, and to every other person to whom it shall appear to the Court that notice ought to be given, order any memorial filed under this Act to be corrected, in case of any material error of omission or otherwise, either in the lists of Shareholders or any other respect whatever.

XXI. The Directors may close the Register of Transfers for a time not exceeding fourteen days before the payment of any dividend, and may fix a day for closing the same, of which seven days' notice shall be given in the *Government Gazette*.

XXII. The Company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any share is subject; and the receipt of the person in whose name any share stands in the books of the Company, or in the case of a minor, idiot, or lunatic, the receipt of the guardian or committee, or where the share stands in more than one name, the receipt of the person, whose name stands first, shall be a sufficient discharge to the Company for any dividend or other sum of money payable on account of such share, whether

or not the Company had notice of any such trust; and the Company shall not be bound to see to the application of any money paid on such receipt.

XXIII. Every such Registered Company shall sue and be sued by the registered name of the Company, as if it were an incorporated Company, and in no other manner; and service of any writ, order, or other process or notice on a Registered Officer of the said Company, at one of their usual places of business, or, if he cannot be found, in such manner as the Supreme Court in which such Company is registered shall order and direct, shall be good service on such Company.

XXIV. In any indictment or information for any theft or embezzlement of the monies or goods of any such Registered Company, or for any other offence committed against them or their property, or with intent to defraud or injure them, and in any proceeding in which it may be necessary to name them, they may be described by the registered name of the Company.

XXV. In any suit brought or proceeded with in the name of any such Registered Company, the plaintiffs shall be liable to be nonsuited unless it is proved on their part that the suit is brought or proceeded with by direction of one or more of the partners appointed at a general meeting to be Directors of the Company, or by the direction of some person or persons having authority from the Directors to bring suits on behalf of the Company; and such proof may be given either by filing a warrant to sue signed by such Director or person, and supported by affidavit, or in such other manner as shall be consistent with the practice of the Court.

XXVI. No such suit, indictment, information, or other proceeding shall abate or be prejudiced by any change of the persons constituting the

the partnership, or of the Directors, or of the person having such authority.

XXVII. No suit by or against the Company shall be in anywise affected by the defendant or plaintiff therein being or having been a Shareholder of the Company: but any such Shareholder, either alone or jointly with any other person or persons as against the Company, or the Company as against any such Shareholder, either alone or jointly with any other person or persons, shall have the same right of action, remedy, and execution, in respect of any claim whatever, as the Shareholder or Company would have had, if the Shareholder had been a stranger.

XXVIII. All unpaid capital, or money due on account of the Capital Stock of the Company, shall be deemed a debt due to the Company, and shall be recoverable as such by the description of money due by the defendant, on account of a share in the business of the Company.

XXIX. A Registered Company, which shall commit any act which is hereby deemed an act of forfeiture, shall be liable to the jurisdiction of the Court for Relief of Insolvent Debtors, and a petition to the said Court in the case of such Company shall be prosecuted in the same manner as petitions in the case of Insolvent Debtors: and in case of an adjudication of forfeiture the law and practice of the said Court, with such alterations of the practice as, from time to time, shall seem to the Court necessary, shall be extended to the case of such Company, as in the case of an adjudication of insolvency in the case of an Insolvent Debtor.

XXX. An

XXX. An adjudication of forfeiture against any such Company shall not be deemed an act of insolvency of the individual members of such Company.

XXXI. An adjudication of forfeiture against such Company shall convey to the Assignee or Assignees appointed to the whole of the real and personal property of the said Company, and all debts, causes of suit, and possibilities of interest, with the like power to sue either at Law or in Equity, as fully and effectually as an adjudication of insolvency against any individual could convey the same by any of the laws now in force or hereafter to be in force affecting insolvents.

XXXII. Whenever an adjudication of forfeiture shall have issued against any such Company, the Assignee or Assignees, from time to time, may compromise any debts or claims belonging to the said Company, and may grant discharges to the parties to such compromises.

XXXIII. Whenever the Directors of any Registered Company shall be unable to meet the engagements of the Company, they shall at a special meeting of the Directors convened for that purpose, and by such a number and majority of them as would be sufficient for any ordinary business of the Company, declare such inability by a resolution, which being signed by the Directors by whose votes it has been carried, shall be forthwith published in the *Government Gazette* of the Presidency; and for two calendar months after the publication of such resolution, but not later, such resolution shall be deemed an act of forfeiture of their privileges for the sole purpose, nevertheless, of supporting a petition to the Court for Relief of Insolvent Debtors in case a petition shall be filed within two months after the date of the publication thereof as aforesaid, but not afterwards.

XXXIV. Any

XXXIV. Any Registered Company which shall not within two months after judgment and the issue of a writ of execution thereof, satisfy such judgment, shall be deemed to have committed an act of forfeiture, and thereupon the execution creditor, or any creditor to whom such Company shall be indebted to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors at the Presidency within which such Company is registered, stating the amount due to such creditor or creditors, and the registry and act of forfeiture of such Company, and praying such Court would proceed as if such Company or the Shareholders thereof had petitioned such Court for relief under the laws in force for Relief of Insolvent Debtors; whereupon the Court shall enquire into the truth of such petition, and if such Court shall be satisfied thereof, such Court shall adjudge the same to be true, and that such Company has committed an act of forfeiture, and proceed thereon pursuant to the provisions of the Act for the Relief of Insolvent Debtors in India, and of this Act.

XXXV. Upon the filing of any petition to the Court for Relief of Insolvent Debtors in the case of any Registered Company, whether by a Shareholder or by a Creditor, the Court shall make the like vesting order for the purpose of vesting all the real and personal estate of the Company in the Official Assignee, and such other orders ancillary thereto as the Court might make in case of an individual insolvent debtor, and all the powers and authorities of the said Court, and all the laws relating to insolvent debtors shall, so far as the circumstances of the case admit, be extended to all such Registered Companies.

 XXXVI. Whenever

XXXVI. Whenever there shall be an adjudication of forfeiture against any Registered Company, the Directors of such Company at the time of filing the petition shall be subject to the orders of the said Court for the Relief of Insolvent Debtors, and it shall be their duty individually or collectively to prepare such balance sheet and other accounts as the Court may deem necessary, and to assist the Official Assignee in the examination of and closing all the affairs of the Company; and every Director and person who shall at any time have been a Director of the Company shall be liable to be examined upon oath, and to make full and true discovery of the estate and effects, past and present, and business, affairs, and interests of the Company, either orally or upon written interrogatories, as the Court may order.

XXXVII. Upon the adjudication of forfeiture against any Registered Company, the claims of any creditor of the Company against the Shareholders shall not be enforced otherwise than under this Act, except in respect of any special contract, or any debt or liability contracted by any Shareholder in his individual capacity, otherwise than by taking a share in the business of the Company.

XXXVIII. As soon after an adjudication of forfeiture against any Company as the Official Assignee can make an approximate estimate of the amount of the debts and other claims against the Company, or of any certain portion thereof, the said Court, on the application of the Official Assignee, shall order such sum to be raised by contribution of the Shareholders as may appear to the said Court necessary for the satisfaction of such debts and claims; and may from time to time order such further sum to be raised in like manner as may appear necessary: and upon obtaining such order the Official Assignee shall assess the said sum ratably amongst the Shareholders according to the number of shares

shares held by them respectively, and immediately proceed to collect the same; and monthly or oftener shall report defaulters to the said Court, together with the amounts at which they were assessed respectively, and thereupon the said Court, if satisfied that the said assessment is just, shall order the payment of such assessment within such time and upon such notice or demand by advertisements or otherwise, as the Court may see fit; and non-payment thereof within the time ordered by the Court shall be an act of insolvency of the defaulting Shareholders; and the said Assignee, or any person being a creditor of the said Company to the amount of Company's Rupees Five Hundred, or any two creditors to whom such Company shall be indebted to the amount of Company's Rupees Seven Hundred, or any three or more creditors to whom such Company shall be indebted to the amount of Company's Rupees One Thousand, may present a petition to the Court for the Relief of Insolvent Debtors of the Presidency within which the said Company is registered, stating such act of insolvency, and praying that such defaulting Shareholder may be adjudged to have committed an act of insolvency, and upon such petition being duly verified, the Court shall be empowered to adjudge that such defaulting Shareholder has committed an act of insolvency, and the Court for Relief of Insolvent Debtors in the Presidency in which the defaulter is resident may proceed thereon according to the provisions of the Act for the Relief of Insolvent Debtors in India.

XXXIX. The Shareholders of untransferred shares whose names are in the last general memorial, including those (if any) who have been subsequently returned as Shareholders of the Company, shall be liable and be called upon in the first instance to satisfy the debts of the Company; but in case it shall appear to the said Court that full satisfaction cannot, within such time as may appear reasonable to the Court, be otherwise

otherwise obtained, such other persons as at any time within three years next before the adjudication of forfeiture shall have been returned in any memorial as Shareholders of the Company shall be liable to contribute to such amount collectively as the Court may order; and, upon every order for contribution from former Shareholders, the Official Assignee shall proceed as hereinbefore prescribed in the case of present Shareholders.

XL. In fixing the sum to be raised from time to time by assessment of the Shareholders it shall be in the discretion of the Court to make such allowance for unrealized assets of the said Company, as the Court may deem just.

XLI. No such assessment shall be deemed erroneous or set aside merely by reason of its being in excess of other assessments ratably considered, if the same be needed for satisfaction of any creditor of the said Company, and any such assessment may be reduced, when expedient, by order of the Court.

XLII. If on realizing the assets of the Company a balance shall remain, after payment of the debts and other claims against the Company, the said Court may order the repayment out of such balance, first, of such sums or ratable parts thereof as have been paid by any Shareholders not liable in the first instance to satisfy the debts of the Company; and secondly, of such sums or ratable parts thereof as have been paid by any other Shareholders in excess of their ratable liability, according to the number of their shares, regard being had to the number of other assessed Shareholders; and lastly, if such a balance shall not thereby be exhausted, the said Court may order the distribution of the remainder thereof among the Shareholders by the Official Assignee upon

upon a scheme or plan to be submitted to and approved by the said Court, or may order the same to be paid to the Accountant General of the said Court to the credit of the said Company, to abide such proceedings as any parties interested therein may take at Law or in Equity: and any order of the said Court for the disbursement of money shall be a sufficient authority to the said Official Assignee to protect him against all claims in respect of such disbursement by any Shareholder or Creditor.

XLIII. If any Registered Company which carried on its business before registration shall incur an adjudication of forfeiture before it has been registered for three years, such persons as are not registered Shareholders but were Copartners or Shareholders thereof at any time before the registration of the Company, but within three years before the filing of the petition for relief, shall be liable to contribute to the debts of the Company in like manner as if they were on the first memorial of the Shareholders of the Company.

XLIV. Whenever it shall appear to the Court for Relief of Insolvent Debtors that the aid of a Court of Equity will be necessary for closing the affairs of any Registered Company, against which an adjudication of forfeiture has been made, the said Court may order the Official or other Assignees to take proceedings in the Supreme Court in Equity, by bill, or by petition for the like relief as might be had by bill, and the said Supreme Court shall have power on such petition to make such original and subsequent orders as upon a bill filed, and such orders shall have the same effect and be executed in the same manner as decretal orders.

XLV. The said Supreme Court may likewise on petition of any Shareholder having any claim against any other Shareholder, in respect of the affairs of the Company, make such order as it may deem just for settling such claim between such Shareholders.

 XLVI. Whenever

XLVI. Whenever any Shareholder in a Registered Company, which shall have been adjudged to have incurred forfeiture, shall be adjudged an insolvent, either on his own petition, or under the provisions aforesaid, or otherwise, the Assignee or Assignees of such Registered Company, shall be entitled, from time to time, to rank as a creditor on the estate of such insolvent, for such ratable contributions, as the Court for the Relief of Insolvent Debtors shall, from time to time, appoint to be paid by such insolvent Shareholder.

XLVII. After the affairs of any such Registered Company against which there has been an adjudication of forfeiture are closed under this Act, the Company shall forfeit all its privileges under this Act, and the partnership shall be dissolved.

SCHEDULE.

I ——— of ——— in consideration of ——— paid to me by ——— of ——— do hereby transfer to the said ——— the share (or shares) numbered ——— in the business called The ——— to hold unto the said ——— his [or her] Executors, Administrators and Assigns, subject to the Conditions of the Partnership Deed of the ——— Company, registered in the Supreme Court of Judicature at ———, and the other Conditions in which I held the same: And I the said ——— do hereby agree to take the said share (or shares) subject to the same Conditions: As witness our hands and Seals, the ——— day of ——— in the year ——

Witness

A. B. L. S.

C. D. L. S.

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ACT No. XLIV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, *with the assent of the Most Noble the Governor General of India.*

An Act for consolidating the Board of Customs, Salt and Opium, and the Sudder Board of Revenue in the Lower Provinces of Bengal.

WHEREAS by Regulation IV. 1819, of the Bengal Code, a Board of Revenue, in the Customs, Salt and Opium Department, was constituted in the Province of Bengal, with all the duties, powers and authorities of the Board of Revenue, with respect to customs and town duties, and with the powers theretofore possessed by the Board of Trade in the Salt and Opium Departments; and whereas it is not now necessary that this Board should be continued, separate from the Board of Revenue in the Lower Provinces of Bengal, it is enacted as follows:

I. Regulation IV. 1819, of the Bengal Code, is rescinded; but not so as to revive any part of any Rule or Regulation thereby rescinded and annulled.

II. All powers and duties now vested in, or belonging to the Board of Revenue in the Customs, Salt and Opium Department, and its Officers respectively,

respectively, shall be transferred to the Sudder Board of Revenue constituted in the said Lower Provinces according to Regulation I. 1829, of the Bengal Code, and its Officers respectively: and all Acts and Regulations now in force relating to the said Customs, Salt and Opium Board of Revenue, or its Officers, shall be understood henceforth, as if the said Sudder Board of Revenue and its Officers had been respectively mentioned therein instead of the said Board of Customs, Salt and Opium, and its Officers.

III. The said Sudder Board of Revenue shall be henceforth styled the Board of Revenue for the Lower Provinces of the Presidency of Fort William in Bengal,

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ACT No. XLV. OF 1850.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1850, with the assent of the Most Noble the Governor General of India.

Act to declare the Law as to the jurisdiction of Coroners.

FOR removal of doubts as to the jurisdiction of Coroners, It is declared and enacted as follows:

I. In all cases in which an inquest ought to be holden on any body lying dead within the jurisdiction of any Coroner, appointed for any place within the Territories under the Government of the East India Company, the Coroner having jurisdiction where the body is lying dead has power to hold and shall hold such inquest; and every such inquisition taken before him is valid, whether or not the cause of death arose within his jurisdiction.

Calcutta, 1851:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

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,, Seven Shareholders may call an Extra General Meeting.	,,	,,	2	
,, Purchasing their own Shares or lending Money on the Security of such Shares, shall be deemed breach of Trust, ...	,,	,,	3	
,, Registered Companies prohibited from making any loan of, or Securities for Money to any Director or Registered Officer, except in the case of Banking Companies.	,,	,,	4	
,, Members of a Local Committee at any Branch or Agency not to become Security for any person in any transaction with the Company, nor shall they incur any uncovered liability. ...	,,	,,	5	
,, The accounts to be audited half-yearly.	,,	,,	6	
,, Auditor's Report, Balances and Accounts to be filed in the Court and furnished to the Shareholders on demand.	,,	,,	7	
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time

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may

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